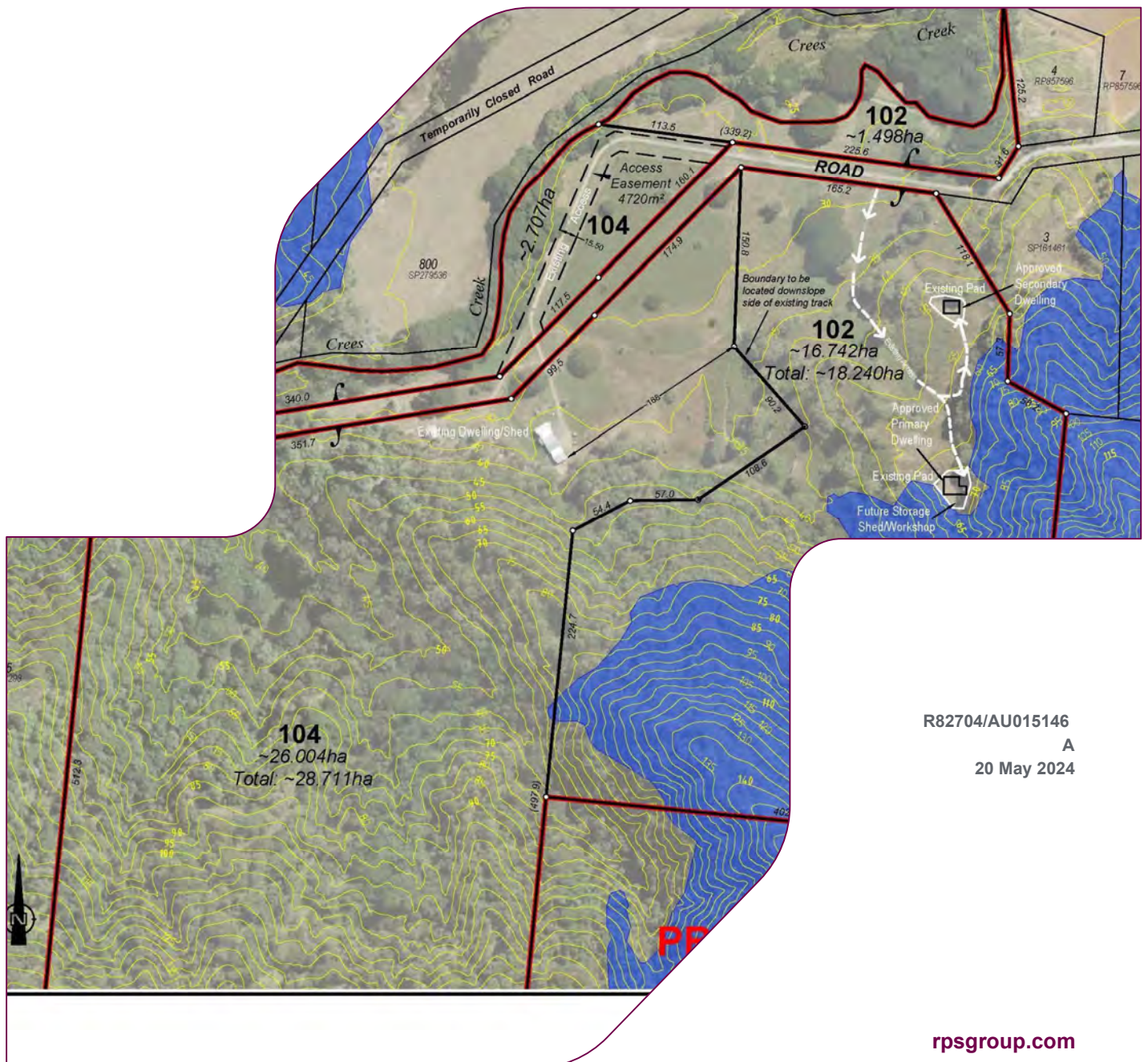


# FERRERO ROAD, CRAIGLIE – RECONFIGURING A LOT, BOUNDARY REALIGNMENT AND ACCESS EASEMENT

## Town Planning Report



R82704/AU015146

A

20 May 2024

REPORT

Document status

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# SUMMARY

Table 1: Summary

Details			
Site Address:	Ferrero Road, Craiglie		
Real Property Description:	Lot 5 on SP161461 and Lot 11 on N157371		
Site Area:	22.27ha (Lot 5 on SP161461) 25.09ha (Lot 11 on N157371)		
Regional Plan Land Use Designation:	Regional Landscape and Rural Production Area		
Zone/Precinct:	Rural Zone		
Local Plan/Precinct:	N/A		
Owner(s):	HAGEN NOMINEES PTY LTD A.C.N. 009 608 566		
Proposal			
Brief Description/ Purpose of Proposal	Reconfiguring a Lot (Boundary Realignment and Access Easement)		
Application Details			
Aspect of Development	Preliminary approval	Development permit	
Material change of use	<input type="checkbox"/>	<input type="checkbox"/>	
Building Work	<input type="checkbox"/>	<input type="checkbox"/>	
Operational Work	<input type="checkbox"/>	<input type="checkbox"/>	
Reconfiguration of a Lot	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Assessment Category	<input checked="" type="checkbox"/> Code	<input type="checkbox"/> Impact	
Public Notification	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	
Superseded Planning Scheme Application	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Referral Agencies			
Agency	Concurrence	Advice	Pre-lodgement response
Nil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Pre-lodgement / Consultation			
Entity	Date	Contact Name	
Douglas Shire Council	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Other			
Applicant contact person	Owen Caddick-King Principal - Planning D: +61 7 4276 1027 E: owen.caddick-king@rpsgroup.com.au		

# 1 INTRODUCTION

RPS AAP Consulting Pty Ltd has been engaged by Fred and Lola Langton to seek a development approval to reconfigure land located on Ferrero Road, Craiglie and described as Lot 5 on SP161461 (Lot 5) and Lot 11 on N157371 (Lot 11).

The site is a rural property located at the southern end of Ferrero Road. Lot 5 and Lot 11 are both irregular shaped rural lots with areas of 22.27ha and 25.09ha respectively. The majority of the site comprises of forested hillslopes with limited pockets of cleared relatively flat land located adjacent to and fragmented by the existing constructed road and road access, the natural boundary provided by Crees Creek and the unformed road reserve and natural drainage line which pass through these areas of flatter land. Due to the constrained hillslope land, the fragmented nature of the flatter land and the land's lack of contiguous access and relative isolation from other land being used for the cropping of sugar cane, it is noted that the land has never been used for the cropping of sugar cane and the land is currently used for the grazing of cattle.

This application is for a Development Permit for Reconfiguring a Lot (Boundary Realignment and Access Easement). The proposed boundary realignment would result in two lots, being Lot 102 with an area of 18.24ha and Lot 104 with an area of 28.71ha. Additionally, it is proposed to create an access easement over the proposed Lot 104 in favour of Lot 5 on NR298. No other development would occur as a part of the proposal and the built form on the overall site would remain the same.

Under the Douglas Shire Planning Scheme 2018 Version 1.0, the site is identified within the Rural Zone and is affected by the following overlays:

- Acid Sulfate Soils;
- Bushfire Hazard;
- Flood and Storm Tide Hazard;
- Hillslopes;
- Potential Landslide Hazard;
- Natural Areas Overlay; and
- Transport Network.

In accordance with the Tables of Assessment, Reconfiguring a Lot, is identified as requiring the approval of a Code Assessable application by Douglas Shire Council. As the Assessment Manager, the Council, in determining the application, can only have regard to the applicable Assessment Benchmarks contained within the Planning Scheme and no other matter.

This report provides detail on the nature of the proposal and provides an assessment of the proposal against the applicable Code Assessable Assessment Benchmarks. While the proposal is not consistent with Rural Zone Code's minimum lot size, the proposed development has been determined to comply with the Rural Zone Code's provisions. Consequently, Council is obligated to approve the Code Assessable Development Application subject to reasonable and relevant conditions.

The completed DA Form 1 and Owners Consent is provided for reference in **Appendix A**. Council's fee for the Application will be paid on receipt of Council's Invoice for the Application Fee.



## 2 SITE DETAILS

### 2.1 Site Particulars

The land is described as Lot 5 on SP161461 (Lot 5) and Lot 11 on N157371 (Lot 11) which is a rural property located at the southern end of Ferrero Road.

The majority of the land comprises of forested hillslopes with limited pockets of cleared relatively flat land located adjacent to and fragmented by the existing constructed road and road access, the natural boundary provided by Crees Creek and the unformed road reserve and natural drainage line which pass through these areas of flatter land. Due to the constrained hillslope land, the fragmented nature of the flatter land and the land's lack of contiguous access and relative isolation from other land being used for the cropping of sugar cane, it is noted that the land has never been used for the cropping of sugar cane and the land is currently used for the grazing of cattle.

An elevated southern portion of Lot 5 was previously used to source construction material for the Sheraton Grand Mirage Resort. This ultimately resulted in elevated building pads being established on this portion of the land, where Council has recently permitted the development of a Dwelling House and a Secondary Dwelling. A Dwelling House and Shed also exists on Lot 11 within the cleared northern portion of the lot.

**Table 2: Site Particulars**

Site Particulars	
Site Address	Ferrero Road, Craiglie
Real Property Description	Lot 5 on SP161461 and Lot 11 on N157371
Site Area	22.27ha (Lot 5 on SP161461) 25.09ha (Lot 11 on N157371)
Landowner	HAGEN NOMINEES PTY LTD A.C.N. 009 608 566

The site location and its extent are shown in **Figure 1** below and copies of the Certificates of Title confirming site ownership details are provided for reference in **Appendix B**.



**Figure 1: Site Location**

Source: Queensland Globe 2024

## 2.2 Planning Context

The planning context of the site, applicable to the development, includes the following:

**Table 3: Planning Context**

Instrument	Designation
<b>Development Assessment Mapping (SARA DA Maps)</b>	
Native Vegetation Clearing	<ul style="list-style-type: none"> <li>• Category C on the regulated vegetation management map</li> <li>• Category R on the regulated vegetation management map</li> <li>• Category X on the regulated vegetation management map</li> <li>• Category A or B area containing of concern regional ecosystems</li> <li>• Category A or B area that is a least concern regional ecosystem</li> <li>• Essential habitat</li> </ul> <p>The area of the site where the new boundary is proposed does not relate to and is located not less than 10 metres from Category B Regulated Vegetation and no vegetation removal is proposed or required.</p>
<b>Douglas Shire Council Planning Scheme 2018</b>	
Strategic framework designation	Rural Area
Zoning	Rural
Local Plan	N/A
Overlays	<ul style="list-style-type: none"> <li>• Acid Sulfate Soils Overlay: <ul style="list-style-type: none"> <li>○ A Small area of the northern section of Lot 5 is located within the Acid Sulfate Soils (5-20m AHD) area.</li> </ul> </li> <li>• Bushfire Hazard Overlay: <ul style="list-style-type: none"> <li>○ The existing Dwelling and Shed on Lot 11 and building pads on Lot 5, where a Dwelling House and Secondary Dwelling are permitted to be established, are located in Bushfire Hazard Potential Impact Buffer.</li> </ul> </li> <li>• Flood and Storm Tide Hazard Overlay: <ul style="list-style-type: none"> <li>○ Part of the northern section of lot 5 is included in the 100 year ARI – Mossman and Port Douglas Flood Studies area.</li> </ul> </li> <li>• Hillslopes Overlay: <ul style="list-style-type: none"> <li>○ The southern area of both Lot 11 and Lot 5 are within the Area Affected by Hillslopes. This area is the higher parts of the land.</li> </ul> </li> <li>• Landscape Values Overlay: <ul style="list-style-type: none"> <li>○ The site is affected by both High and Medium Landscape Value areas. High Landscape Values areas are predominately to the south of the site, in the elevated sections.</li> </ul> </li> <li>• Landslide Hazard Overlay: <ul style="list-style-type: none"> <li>○ The elevated areas to the rear of the site and areas around the watercourse to the north of the site are affected by the Landslide Hazard (High &amp; Medium Hazard Risk) area.</li> </ul> </li> <li>• Natural Areas Overlay: <ul style="list-style-type: none"> <li>○ The site is affected by several MSES related areas, these are concentrated around the watercourse to the north of the site and the elevated areas to the south.</li> </ul> </li> <li>• Transport Network Overlay: <ul style="list-style-type: none"> <li>○ Within the Transport Network Overlay, Ferrero Road is identified as an Unformed Road.</li> </ul> </li> </ul>

Refer to the copies of the 2018 Douglas Shire Council Planning Scheme Property Reports for Lot 5 and Lot 11 in **Appendix C** for further detail on Zoning and Overlay Mapping designations.



### 3 PROPOSAL

The Reconfiguring a Lot Development Application seeks Approval to realign the property boundary between Lot 5 on SP161461 and Lot 11 on N157371. The proposed boundary realignment would result in two lots, being Lot 102 with an area of 18.24ha and Lot 104 with an area of 28.71ha. Additionally, it is proposed to create an access easement over the proposed Lot 104 in favour of Lot 5 on NR298. No other development would occur as a part of the proposal and the built form on the overall site would remain the same.

An extract of the proposal plan is provided in Figure 2 below and the Reconfiguring a Lot Proposal Plan, RPS Drawing No. AU015146-1 is provided for reference in **Appendix D**.

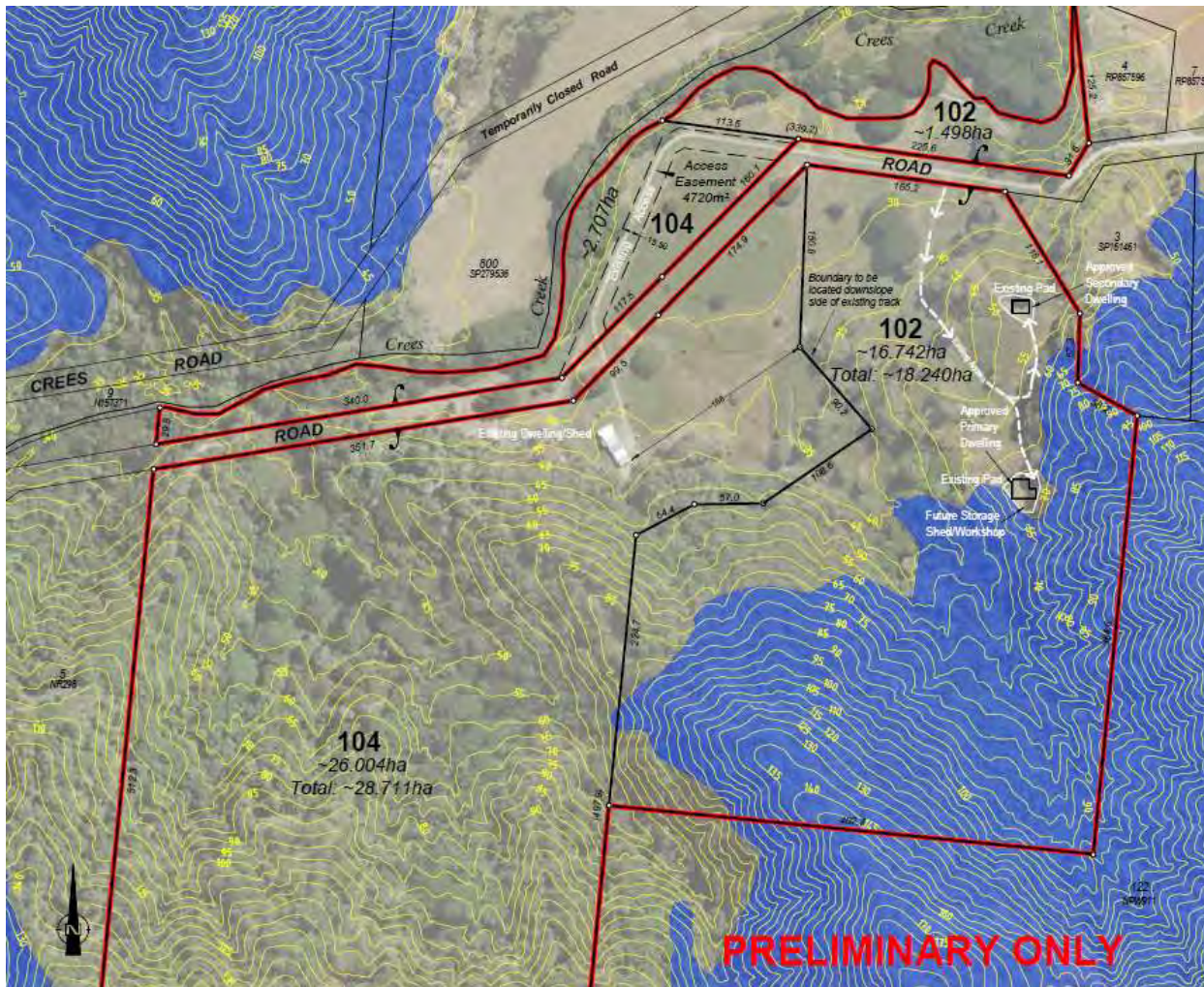


Figure 2: Extract of Proposal Plan



## 4 LEGISLATIVE REQUIREMENTS

### 4.1 Assessment Manager

In accordance with Schedule 8 of the *Planning Regulation 2017*, the assessment manager for this application is Douglas Shire Council.

### 4.2 Categories of Assessment

The table below summarises the categorising instruments and categories of assessment applicable to this application.

**Table 4: Categories of Assessment**

Aspect of development	Categorising instrument	Category of assessment
Development Permit for Reconfiguring a Lot (Boundary Realignment and Access Easement)	Douglas Shire Council Planning Scheme, Part 5: Tables of Assessment, Table 5.6.j – Rural Zone	Code Assessment

### 4.3 Referrals

This application does not trigger any referrals in accordance with Schedule 10 of the *Planning Regulation 2017*.

### 4.4 Public Notification

This application does not require public notification as it is subject to Code Assessment.

## 5 STATUTORY PLANNING ASSESSMENT

### 5.1 Overview

As the application is subject to code assessment, the assessment benchmarks, and the matters the assessment manager must have regard to, are those identified in section 45(3) of the *Planning Act 2016* and sections 26 and 27 of the *Planning Regulation 2017*.

As Douglas Shire Council is the assessment manager the relevant categorising instrument is the Douglas Shire Planning Scheme 2018 Version 1.0.

### 5.2 State and Regional Assessment Benchmarks

#### 5.2.1 State Planning Policy

The *Planning Regulation 2017* at Section 26(2)(a)(ii) for code assessment requires the assessment manager to assess the application against the assessment benchmarks stated in the State Planning Policy, Part E, to the extent Part E of the State Planning Policy is not identified in the planning scheme as being appropriately integrated into the planning scheme.

In respect of this matter, it is noted that the State Planning Policy, to the extent relevant to the application, has been appropriately integrated into the planning scheme and on that basis no further assessment of the State Planning Policy is required.

#### 5.2.2 Regional Plan

The *Planning Regulation 2017* at Section 26(2)(a)(i) for code assessment requires the assessment manager to assess the application against the assessment benchmarks stated in the regional plan, to the extent the Regional Plan is not identified in the planning scheme as being appropriately integrated into the planning scheme.

Consistent with the State Planning Policy, it is indicated in the Planning Scheme that it appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies in the planning scheme area. Therefore, no further assessment of the Regional Plan is required.

#### 5.2.3 Development Assessment under Schedule 10 (SDAP)

As there are no referral triggers for the proposed development, no State Development Assessment Provisions (SDAP) apply to the proposal.

### 5.3 Local Authority Assessment Benchmarks

This application is to be assessed against the Codes applicable to the assessment of the proposed development, as identified in the Douglas Shire Council Planning Scheme 2018.

A review of the applicable Planning Scheme Code provisions is provided in **Table 5** below and in respect of the Planning Scheme's Rural Zone Code, the following is noted:

#### Rural Zone Code

Lot 5 on SP161461 and Lot 11 on N157371 are included in the Rural Zone and the provisions of the Rural Zone Code are applicable to the proposed development, particularly Performance Outcome PO7, which states;

*The minimum lot size is 40 hectares, unless*

- a. *the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments to resolve encroachments); or*
- b. *the reconfiguration is limited to one additional lot to accommodate:*

- i. Telecommunications facility;
- ii. Utility installation.

The proposed development is a boundary realignment, so no additional lots will be created in accordance with Performance Outcome PO7. The existing boundary of Lot 11 on N157371 currently restricts further development on the land and the boundary re-alignment is intended to allow the establishment of a new dwelling on Proposed Lot 104 and include a natural drainage line that passes through the eastern side of Proposed Lot 104. The boundary re-alignment proposal suitably accommodates the constraints related to development on Lot 11 on N157371, providing a suitable location for the development of a new dwelling house on Proposed Lot 104, while also accommodating the development approved on Lot 5 on SP161461 and proposed to be established on Proposed Lot 102.

**Table 5: Planning Scheme Code Responses**

Planning Scheme Codes	Applicability	Comment
<b>Zone code</b>		
Rural Zone Code	Applicable	Refer to commentary provided above and Code assessment provided for reference in <b>Appendix E</b> .
<b>Overlay Codes</b>		
Acid Sulfate Soils Overlay Code	Applicable	The area of the site identified within the Acid Sulfate Soils Overlay is located away from the proposed boundary realignment. As such no further assessment is required.
Bushfire Hazard Overlay Code	Applicable	Given a dwelling exists on Lot 11 on N157371 and a Dwelling and Secondary Dwelling are approved to be established on Lot 5 on SP161461 and that the boundary re-alignment does not change the status of the existing and approved development, the Bushfire Code is not particularly relevant to the proposed boundary re-alignment. If required, the new dwelling to be established on Proposed Lot 104 will need to address this Code at the time an Application is lodged for the proposed development.
Flood and Storm Tide Hazard Overlay Code	Applicable	While the 100 Year ARI flood level is indicated to relate to part of the site adjacent to Crees Creek, the boundary re-alignment does not significantly change the scope of development likely on this lower part of the site and the associated flooding impact.
Hillslopes Overlay Code	Applicable	An in depth assessment of the proposal against The Hillslopes Overlay Code is not required for the proposed development given that the proposed development is a boundary re-alignment and any future new buildings or structures are proposed on the cleared lower flatter slope of the site.
Landscape Values Overlay Code	Applicable	The Landscape Values Overlay Code has little relevance to the proposed development given that there are no new buildings or structures proposed on the site and there is no vegetation clearing proposed. The development relates to a boundary realignment only
Potential Landslide Hazard Overlay Code	Applicable	The Potential Landslide Hazard Overlay Code is not relevant to the proposed development given that there are no new buildings or structures proposed on the site and the development relates to a boundary realignment only.
Natural Areas Overlay Code	Applicable	The Natural Areas Overlay Code has little relevance to the proposed development given that there are no new buildings or structures proposed on the site and there is no vegetation clearing proposed. The development relates to a boundary realignment only and all existing vegetation and natural areas on the site would be retained.

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Planning Scheme Codes	Applicability	Comment
Transport Network Overlay Code	Applicable	The proposed development is expected to have a negligible impact on the local transport network.
<b>Development Codes</b>		
Access, Parking and Servicing Code	Applicable	This Code has limited relevance to the proposed development given that the existing access arrangements to the sites would be retained.
Environmental Performance Code	Not Applicable	There are no Assessment Benchmarks applicable to the proposed Boundary Realignment.
Filling and Excavation Code	Not Applicable	No filling or excavation is proposed.
Infrastructure Works Code	Not applicable	No infrastructure related works are proposed or required.
Landscaping Code	Not applicable	No additional landscaping is proposed or required.
Reconfiguring a Lot Code	Applicable	Refer to Code assessment provided for reference in <b>Appendix E</b> .
Vegetation Management Code	Not applicable	No vegetation damage is proposed.

The proposed development is compliant with the relevant Assessment Benchmarks and, in accordance with the *Planning Act 2016*, the Council as Assessment Manager is obligated to approve the development subject to reasonable and relevant conditions.



## 6 CONCLUSION

RPS AAP Consulting Pty Ltd has been engaged by Fred and Lola Langton to seek a development approval to reconfigure land located on Ferrero Road, Craiglie and described as Lot 5 on SP161461 (Lot 5) and Lot 11 on N157371 (Lot 11).

The site is a rural property located at the southern end of Ferrero Road. Lot 5 and Lot 11 are both irregular shaped rural lots with areas of 22.27ha and 25.09ha respectively. The majority of the land comprises of forested hillslopes with limited pockets of cleared relatively flat land located adjacent to and fragmented by the existing constructed road and road access, the natural boundary provided by Crees Creek and the unformed road reserve and natural drainage line which passes through these areas of flatter land. Due to the constrained hillslope land, the fragmented nature of the flatter land and the land's lack of contiguous access and relative isolation from other land being used for the cropping of sugar cane, it is noted that the land has never been used for the cropping of sugar cane and the land is currently used for the grazing of cattle.

This application is for a Development Permit for Reconfiguring a Lot (Boundary Realignment and Access Easement). The proposed boundary realignment would result in two lots, being Lot 102 with an area of 18.24ha and Lot 104 with an area of 28.71ha. Additionally, it is proposed to create an access easement over the proposed Lot 104 in favour of Lot 5 on NR298.

In accordance with the Tables of Assessment, Reconfiguring a Lot, is identified as requiring the approval of a Code Assessable application by Douglas Shire Council. As the Assessment Manager, the Council, in determining the application, can only have regard to the applicable Assessment Benchmarks contained within the Planning Scheme and no other matter.

This report provides detail on the nature of the proposal and provides an assessment of the proposal against the applicable Code Assessable Assessment Benchmarks and the proposed development has been found to be compliant with the applicable Code Assessable provisions, therefore, Council is obligated to approve the Code Assessable Development subject to reasonable and relevant conditions.

## Appendix A

### DA Form 1 and Owners Consent

# DA Form 1 – Development application details

Approved form (version 1.4 effective 15 December 2023) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

**Note:** All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Fred and Lola Langton
Contact name (only applicable for companies)	c/- RPS AAP Consulting Pty Ltd, Owen Caddick-King
Postal address (P.O. Box or street address)	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	07 4276 1027
Email address (non-mandatory)	Owen.Caddick-King@rpsgroup.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	AU015146

2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input type="checkbox"/> No – proceed to 3)	

## PART 2 – LOCATION DETAILS

### 3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

**Note:** Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

#### 3.1) Street address and lot on plan

- ☐ Street address **AND** lot on plan (all lots must be listed), **or**  
☒ Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		188	Ferrero Road	Craiglie
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	5	SP161461	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
			Ferrero Road	Craiglie
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	11	N157371	Douglas Shire Council

#### 3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

**Note:** Place each set of coordinates in a separate row.

- ☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

- ☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

#### 3.3) Additional premises

- ☐ Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application  
☒ Not required

### 4) Identify any of the following that apply to the premises and provide any relevant details

- ☐ In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer: Crees Creek

- ☐ On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable):

- ☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:



<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

#### 5) Are there any existing easements over the premises?

*Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).*

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☒ No

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

#### 6.1) Provide details about the first development aspect

a) What is the type of development? *(tick only one box)*

- ☐ Material change of use    ☒ Reconfiguring a lot    ☐ Operational work    ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☒ Development permit    ☐ Preliminary approval    ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☒ Code assessment    ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Reconfiguring a Lot (Boundary Realignment and Access Easement)

e) Relevant plans

*Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).*

- ☒ Relevant plans of the proposed development are attached to the development application

#### 6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

- ☐ Material change of use    ☐ Reconfiguring a lot    ☐ Operational work    ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☐ Development permit    ☐ Preliminary approval    ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☐ Code assessment    ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

e) Relevant plans

*Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).*

- ☐ Relevant plans of the proposed development are attached to the development application

#### 6.3) Additional aspects of development

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

- ☒ Not required

## Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete DA Form 2 – Building work details

### Division 1 – Material change of use

**Note:** This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (if applicable)
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input type="checkbox"/> Yes			
<input type="checkbox"/> No			

### Division 2 – Reconfiguring a lot

**Note:** This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?	
2	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
<input type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input checked="" type="checkbox"/> Boundary realignment (complete 12))	<input checked="" type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13))

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				
10.2) Will the subdivision be staged?				
<input type="checkbox"/> Yes – provide additional details below				
<input type="checkbox"/> No				
How many stages will the works include?				
What stage(s) will this development application apply to?				

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?				
Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )
Lot 5 on SP161461	222,695	Lot 102	18.24ha
Lot 11 on N157371	250,910	Lot 104	28.71ha
12.2) What is the reason for the boundary realignment?			

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement
Proposed	15.5m	Approx 180m	Rural Access	Lot 5 on NR298

### Division 3 – Operational work

**Note:** This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?	
<input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)	
<input type="checkbox"/> Yes – specify number of new lots:	
<input type="checkbox"/> No	
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)	
\$	

## PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Douglas Shire Council
16) Has the local government agreed to apply a superseded planning scheme for this development application?
<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application <input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached <input checked="" type="checkbox"/> No

## PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

**Note:** A development application will require referral if prescribed by the Planning Regulation 2017.

☒ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☐ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ SEQ northern inter-urban break – tourist activity or sport and recreation activity
- ☐ SEQ northern inter-urban break – community activity
- ☐ SEQ northern inter-urban break – indoor recreation
- ☐ SEQ northern inter-urban break – urban activity
- ☐ SEQ northern inter-urban break – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material (*from a watercourse or lake*)
- ☐ Water-related development – referable dams
- ☐ Water-related development – levees (*category 3 levees only*)
- ☐ Wetland protection area



Matters requiring referral to the **local government**:

☐ Airport land

☐ Environmentally relevant activities (ERA) *(only if the ERA has been devolved to local government)*

☐ Heritage places – Local heritage places

Matters requiring referral to the **Chief Executive of the distribution entity or transmission entity**:

☐ Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

- The **Chief Executive of the holder of the licence**, if not an individual
- The **holder of the licence**, if the holder of the licence is an individual

☐ Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the **Brisbane City Council**:

☐ Ports – Brisbane core port land

Matters requiring referral to the **Minister responsible for administering the *Transport Infrastructure Act 1994***:

☐ Ports – Brisbane core port land *(where inconsistent with the Brisbane port LUP for transport reasons)*

☐ Ports – Strategic port land

Matters requiring referral to the **relevant port operator**, if applicant is not port operator:

☐ Ports – Land within Port of Brisbane's port limits *(below high-water mark)*

Matters requiring referral to the **Chief Executive of the relevant port authority**:

☐ Ports – Land within limits of another port *(below high-water mark)*

Matters requiring referral to the **Gold Coast Waterways Authority**:

☐ Tidal works or work in a coastal management district *(in Gold Coast waters)*

Matters requiring referral to the **Queensland Fire and Emergency Service**:

☐ Tidal works or work in a coastal management district *(involving a marina (more than six vessel berths))*

**18) Has any referral agency provided a referral response for this development application?**

☐ Yes – referral response(s) received and listed below are attached to this development application

☐ No

Referral requirement	Referral agency	Date of referral response

Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application *(if applicable)*.

## PART 6 – INFORMATION REQUEST

**19) Information request under Part 3 of the DA Rules**

☒ I agree to receive an information request if determined necessary for this development application

☐ I do not agree to accept an information request for this development application

**Note:** *By not agreeing to accept an information request I, the applicant, acknowledge:*

- *that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties*
- *Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.*

*Further advice about information requests is contained in the [DA Forms Guide](#).*

## PART 7 – FURTHER DETAILS

### 20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

- ☐ Yes – provide details below or include details in a schedule to this development application  
☒ No

List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

### 21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

- ☐ Yes – a copy of the receipted QLeave form is attached to this development application  
☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid  
☒ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

### 22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

- ☐ Yes – show cause or enforcement notice is attached  
☒ No

### 23) Further legislative requirements

#### **Environmentally relevant activities**

#### 23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- ☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below  
☒ No

**Note:** Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at [www.qld.gov.au](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

- ☐ Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

#### **Hazardous chemical facilities**

#### 23.2) Is this development application for a **hazardous chemical facility**?

- ☐ Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application  
☒ No

**Note:** See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information about hazardous chemical notifications.

### **Clearing native vegetation**

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

☒ No

**Note:** 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.  
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

### **Environmental offsets**

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

☒ No

**Note:** The environmental offset section of the Queensland Government's website can be accessed at [www.qld.gov.au](http://www.qld.gov.au) for further information on environmental offsets.

### **Koala habitat in SEQ Region**

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

☐ Yes – the development application involves premises in the koala habitat area in the koala priority area

☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area

☒ No

**Note:** If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Water resources**

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000?**

☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

☒ No

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

### **Waterway barrier works**

23.7) Does this application involve **waterway barrier works?**

☐ Yes – the relevant template is completed and attached to this development application

☒ No

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

### **Marine activities**

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants?**

☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

☒ No

**Note:** See guidance materials at [www.daf.qld.gov.au](http://www.daf.qld.gov.au) for further information.

### **Quarry materials from a watercourse or lake**

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development  
☒ No

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) and [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

### **Quarry materials from land under tidal waters**

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development  
☒ No

**Note:** Contact the Department of Environment and Science at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Referable dams**

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the *Water Supply Act*)?

- ☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the *Water Supply Act* is attached to this development application  
☒ No

**Note:** See guidance materials at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

### **Tidal work or development within a coastal management district**

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- ☐ Yes – the following is included with this development application:
- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
  - ☐ A certificate of title
- ☒ No

**Note:** See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Queensland and local heritage places**

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- ☐ Yes – details of the heritage place are provided in the table below  
☒ No

**Note:** See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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### **Brothels**

23.14) Does this development application involve a **material change of use for a brothel**?

- ☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*  
☒ No

### **Decision under section 62 of the Transport Infrastructure Act 1994**

23.15) Does this development application involve new or changed access to a state-controlled road?

- ☐ Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)  
☒ No

### Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

☒ No

**Note:** See guidance materials at [www.planning.dsdmip.qld.gov.au](http://www.planning.dsdmip.qld.gov.au) for further information.

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

### 24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

☒ Yes

**Note:** See the Planning Regulation 2017 for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of [DA Form 2 – Building work details](#) have been completed and attached to this development application

☐ Yes

☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

**Note:** This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).

☒ Yes

Relevant plans of the development are attached to this development application

**Note:** Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

☒ Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

☐ Yes

☒ Not applicable

### 25) Applicant declaration

☒ By making this development application, I declare that all information in this development application is true and correct

☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

**Note:** It is unlawful to intentionally provide false or misleading information.

**Privacy** – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager	
Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			



**Company owner's consent to the making of a development application  
under the *Planning Act 2016***

I, LOLA LOUISA LANGTON [Insert name in full.]

Director of the company mentioned below.

and I, FREDERICK ALLAN LANGTON [Insert name in full.]  
(COMPANY SECRETARY) [Insert position in full—i.e. another director, or a company secretary.]

Of HAGEN NOMINEES PTY LTD A.C.N. 009 608 566

the company being the owner of the premises identified as follows:

Lot 5 on SP161461 and Lot 11 on N157371

consent to the making of a development application under the *Planning Act 2016* by:

Fred and Lola Langton

on the premises described above for:

Reconfiguring a Lot, Boundary Realignment including an Access Easement as per  
RPS Drawing AU015146-1

Company seal [if used]

Company Name and ACN: HAGEN NOMINEES PTY LTD A.C.N. 009 608 566

L L P Langton  
Signature of Director

[Signature]  
Signature of Director/Secretary

21-5-2024  
Date

21-5-2024  
Date

## Appendix B

### Certificate of Titles

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>20358234</b>	<b>Search Date:</b>	20/02/2023 09:43
<b>Date Title Created:</b>	11/07/1941	<b>Request No:</b>	43623476
<b>Previous Title:</b>	20259225, 20259226		

#### ESTATE AND LAND

Estate in Fee Simple

LOT 11 CROWN PLAN N157371

Local Government: DOUGLAS

For exclusions / reservations for public purposes refer to Plan CP N157371

#### REGISTERED OWNER

Dealing No: 709420370 08/03/2006

HAGEN NOMINEES PTY LTD A.C.N. 009 608 566

#### EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20111118 (POR 10V)  
(POR 11V)

#### ADMINISTRATIVE ADVICES

NIL

#### UNREGISTERED DEALINGS

NIL

\*\* End of Current Title Search \*\*

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>50460186</b>	<b>Search Date:</b>	21/10/2021 14:04
<b>Date Title Created:</b>	03/10/2003	<b>Request No:</b>	38992710
<b>Previous Title:</b>	50000890, 50356293		

#### ESTATE AND LAND

Estate in Fee Simple

LOT 5      SURVEY PLAN 161461  
Local Government: DOUGLAS

#### REGISTERED OWNER

Dealing No: 709420368    08/03/2006

HAGEN NOMINEES PTY LTD A.C.N. 009 608 566

#### EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20111118 (POR 10V)

#### ADMINISTRATIVE ADVICES

NIL

#### UNREGISTERED DEALINGS

NIL

\*\* End of Current Title Search \*\*

## Appendix C

# Planning Scheme Property Reports

2018 Douglas Shire Council Planning Scheme Property Report

The following report has been automatically generated to provide a general indication of development related information applying to the premise.


For more information and to determine if the mapping layers are applicable, refer to the [2018 Douglas Shire Council Planning Scheme](#). This report is not intended to replace the need for carrying out a detailed assessment of Council and State controls or the need to seek your own professional advice on any town planning instrument, local law or other controls that may impact on the existing or intended use of the premise mentioned in this report. For further information please contact Council by phone: [07 4099 9444](#) or [1800 026 318](#) or email [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au).

Visit Council's website to apply for an [official property search or certificate](#), or contact the [Department of Natural Resources, Mines and Energy](#) to undertake a title search to ascertain how easements may affect a premise.

Property Information


Property Address


[188 Ferrero Road CRAIGLIE](#)




Lot Plan

[5SP161461](#) (Freehold - 222695m<sup>2</sup>)







Selected Property



Easements











Property

Douglas Shire Planning Scheme 2018 version 1.0		
The table below provides a summary of the Zones and Overlays that apply to the selected property.		
 <b>Zoning</b>	<b>Applicable Zone</b> Rural	<b>More Information</b> <ul style="list-style-type: none"><li><a href="#">View Section 6.2.10 Rural Zone Code</a></li><li><a href="#">View Section 6.2.10 Rural Zone Compliance table</a></li><li><a href="#">View Section 6.2.10 Rural Zone Assessment table</a></li></ul>



## Douglas Shire Planning Scheme 2018 version 1.0

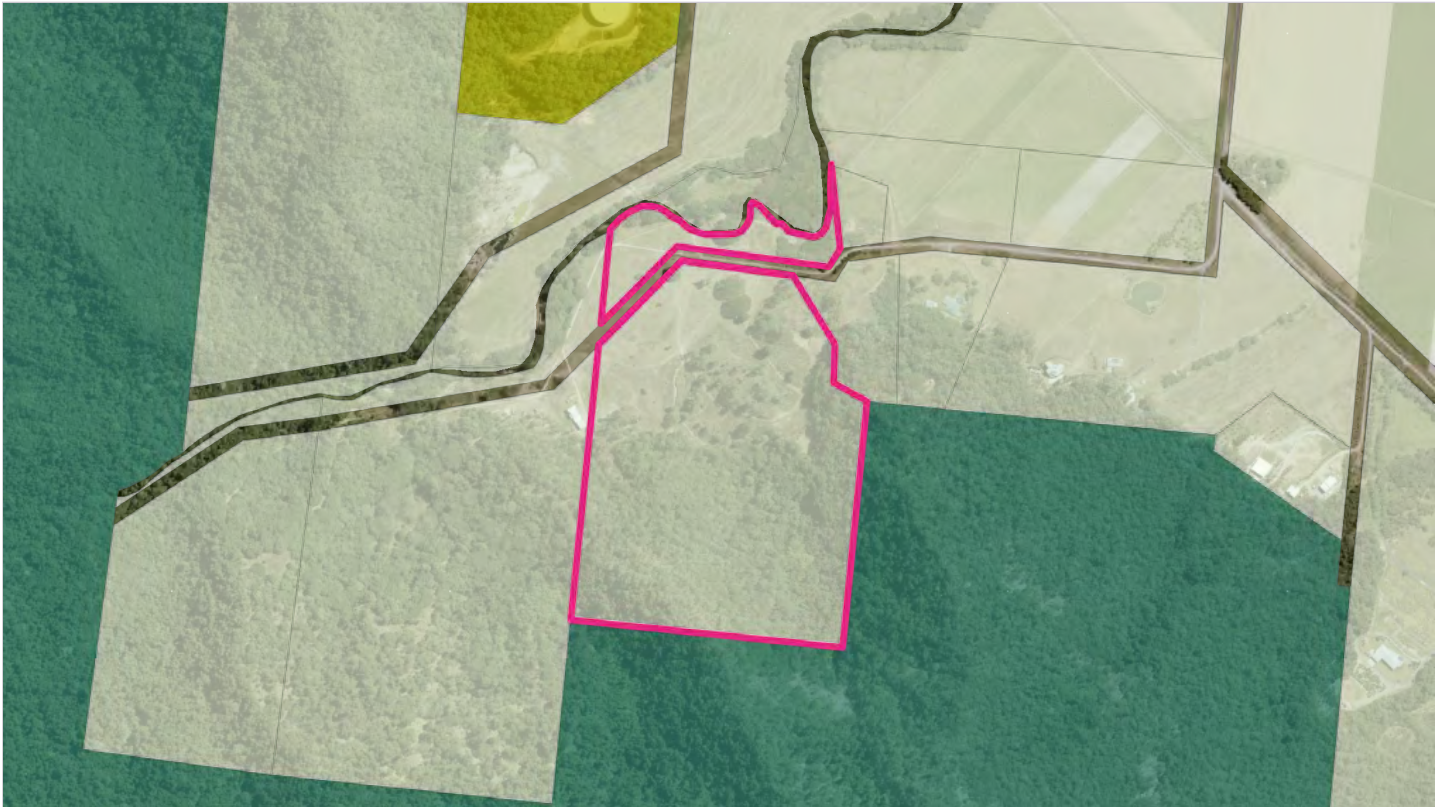
The table below provides a summary of the Zones and Overlays that apply to the selected property.

 <a href="#">Acid Sulfate Soils</a>	<b>Applicable Precinct or Area</b> Acid Sulfate Soils (5-20m AHD)	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.1 Acid Sulfate Soils Overlay Code</a></li> <li><a href="#">View Section 8.2.1 Acid Sulfate Soils Overlay Compliance table</a></li> </ul>
 <a href="#">Bushfire Hazard</a>	<b>Applicable Precinct or Area</b> Potential Impact Buffer Very High Potential Bushfire Intensity High Potential Bushfire Intensity Medium Potential Bushfire Intensity	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.2 Bushfire Hazard Overlay Code</a></li> <li><a href="#">View Section 8.2.2 Bushfire Hazard Overlay Compliance table</a></li> </ul>
 <a href="#">Flood Storm</a>	<b>Applicable Precinct or Area</b> 100 Year ARI - Mosman and Port Douglas Flood Studies	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.4 Flood and Storm Tide Hazard Overlay Code</a></li> <li><a href="#">View Section 8.2.4 Flood and Storm Tide Hazard Overlay Compliance table</a></li> </ul>
 <a href="#">Hillslopes</a>	<b>Applicable Precinct or Area</b> Area Affected by Hillslopes	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.5 Hillslopes Overlay Code</a></li> <li><a href="#">View Section 8.2.5 Hillslopes Overlay Compliance table</a></li> </ul>
 <a href="#">Landscape Values</a>	<b>Landscape Values</b> High landscape values Medium Landscape Value	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.6 Landscape Values Overlay Code</a></li> <li><a href="#">View Section 8.2.6 Landscape Values Overlay Compliance table</a></li> </ul>
 <a href="#">Landslide</a>	<b>Applicable Precinct or Area</b> Landslide Hazard (High & Medium Hazard Risk)	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.9 Potential Landslide Hazard Overlay Code</a></li> <li><a href="#">View Section 8.2.9 Potential Landslide Hazard Overlay Compliance table</a></li> </ul>
 <a href="#">Natural Areas</a>	<b>Applicable Precinct or Area</b> MSES - Regulated Vegetation (Intersecting a Watercourse) MSES - Wildlife Habitat MSES - Regulated Vegetation	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.7 Natural Areas Overlay Code</a></li> <li><a href="#">View Section 8.2.7 Natural Areas Overlay Compliance table</a></li> </ul>
 <a href="#">Transport Road Hierarchy</a>	<b>Applicable Precinct or Area</b> Unformed Road	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.10 Transport Network Overlay Code</a></li> <li><a href="#">View Section 8.2.10 Transport Network Overlay Compliance table</a></li> </ul>

Zoning

Applicable Zone  
Rural

- More Information
- [View Section 6.2.10 Rural Zone Code](#)
  - [View Section 6.2.10 Rural Zone Compliance table](#)
  - [View Section 6.2.10 Rural Zone Assessment table](#)



☒ Selected Property

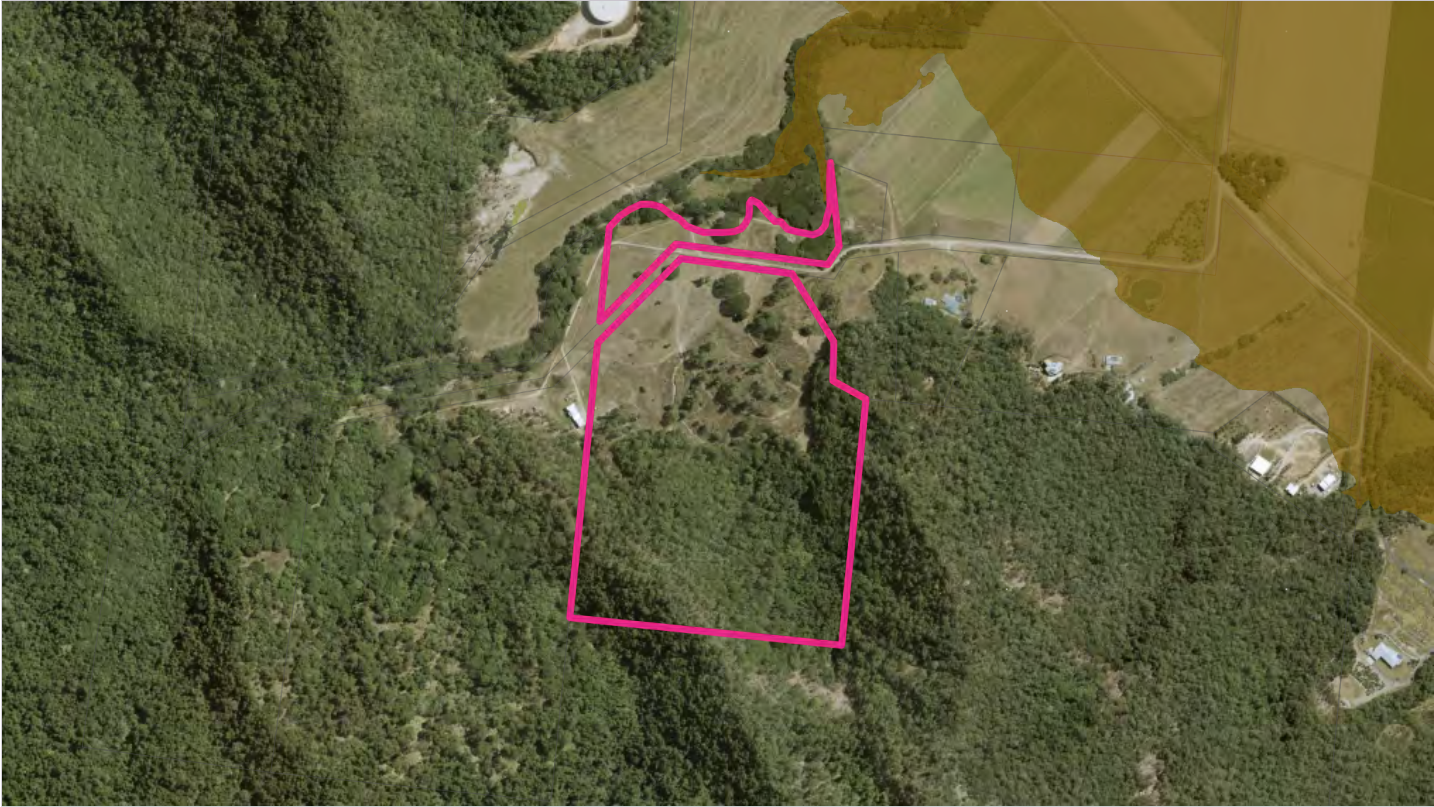
☐ Property

Zoning			
Centre	Community Facilities	Conservation	Environmental Management
Industry	Low Density Residential	Low-medium Density Residential	Medium Density Residential
Recreation and Open Space	Rural	Rural Residential	Special Purpose
Tourism	Tourist Accommodation		

Acid Sulfate Soils

**Applicable Precinct or Area**  
Acid Sulfate Soils (5-20m AHD)

- More Information**
- [View Section 8.2.1 Acid Sulfate Soils Overlay Code](#)
  - [View Section 8.2.1 Acid Sulfate Soils Overlay Compliance table](#)



☒ Selected Property

☐ Property

**Acid Sulfate Soils**

☒ Acid Sulfate Soils (< 5m AHD)

☒ Acid Sulfate Soils (5-20m AHD)

☐ all others



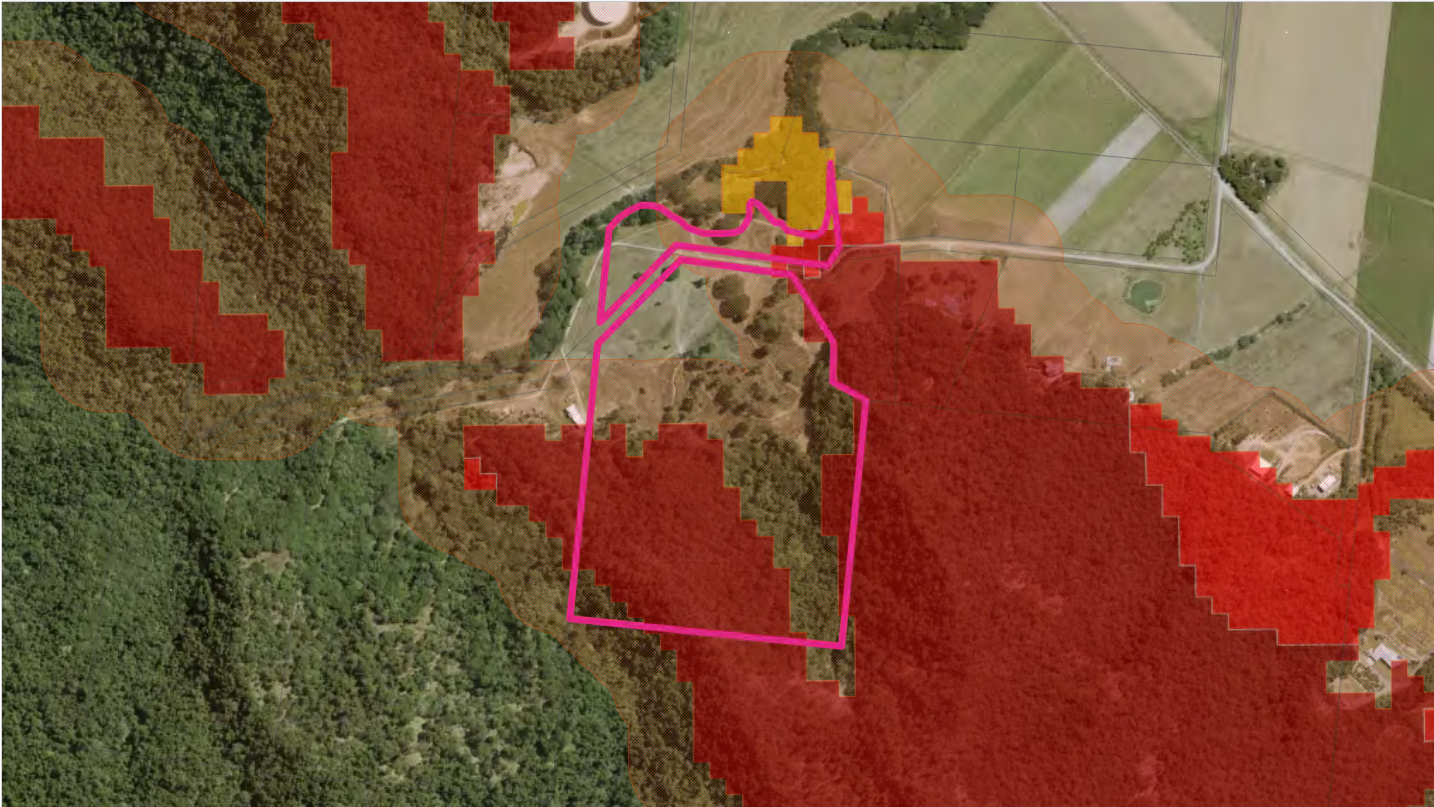
Bushfire Hazard

Applicable Precinct or Area

- Potential Impact Buffer
- Very High Potential Bushfire Intensity
- High Potential Bushfire Intensity
- Medium Potential Bushfire Intensity

More Information

- [View Section 8.2.2 Bushfire Hazard Overlay Code](#)
- [View Section 8.2.2 Bushfire Hazard Overlay Compliance table](#)



☒ Selected Property

☐ Property

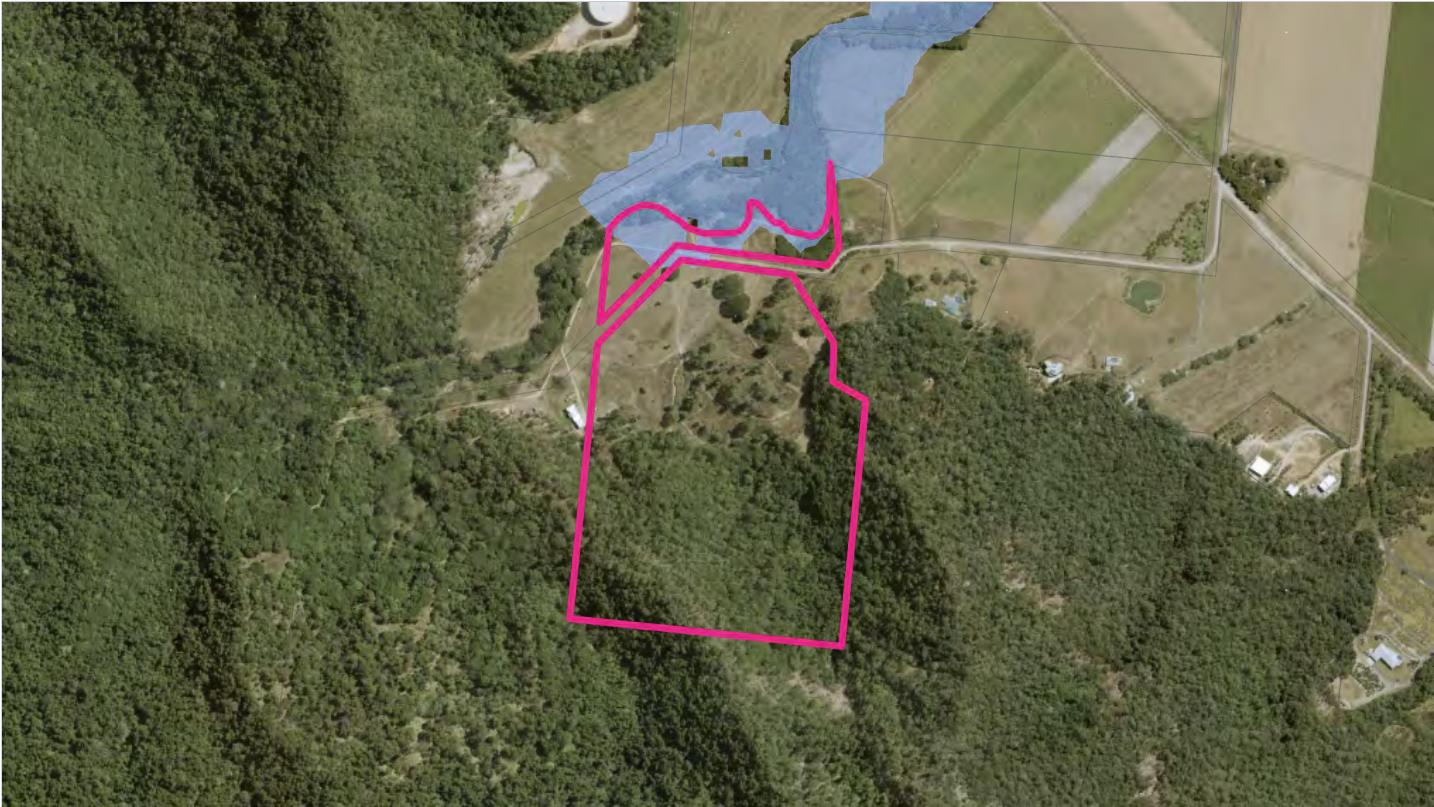
Bushfire\_Hazard

- ☒ High Potential Bushfire Intensity
- ☒ Medium Potential Bushfire Intensity
- ☒ Potential Impact Buffer
- ☒ Very High Potential Bushfire Intensity
- ☐ all others

Flood Storm


**Applicable Precinct or Area**  
100 Year ARI - Mosman and Port Douglas Flood Studies


- More Information**
- [View Section 8.2.4 Flood and Storm Tide Hazard Overlay Code](#)
  - [View Section 8.2.4 Flood and Storm Tide Hazard Overlay Compliance table](#)





☒ Selected Property

☐ Property

 Medium Storm Tide Hazard

 High Storm Tide Hazard

 100 Year ARI - Mossman Port Douglas and Daintree Flood Studies

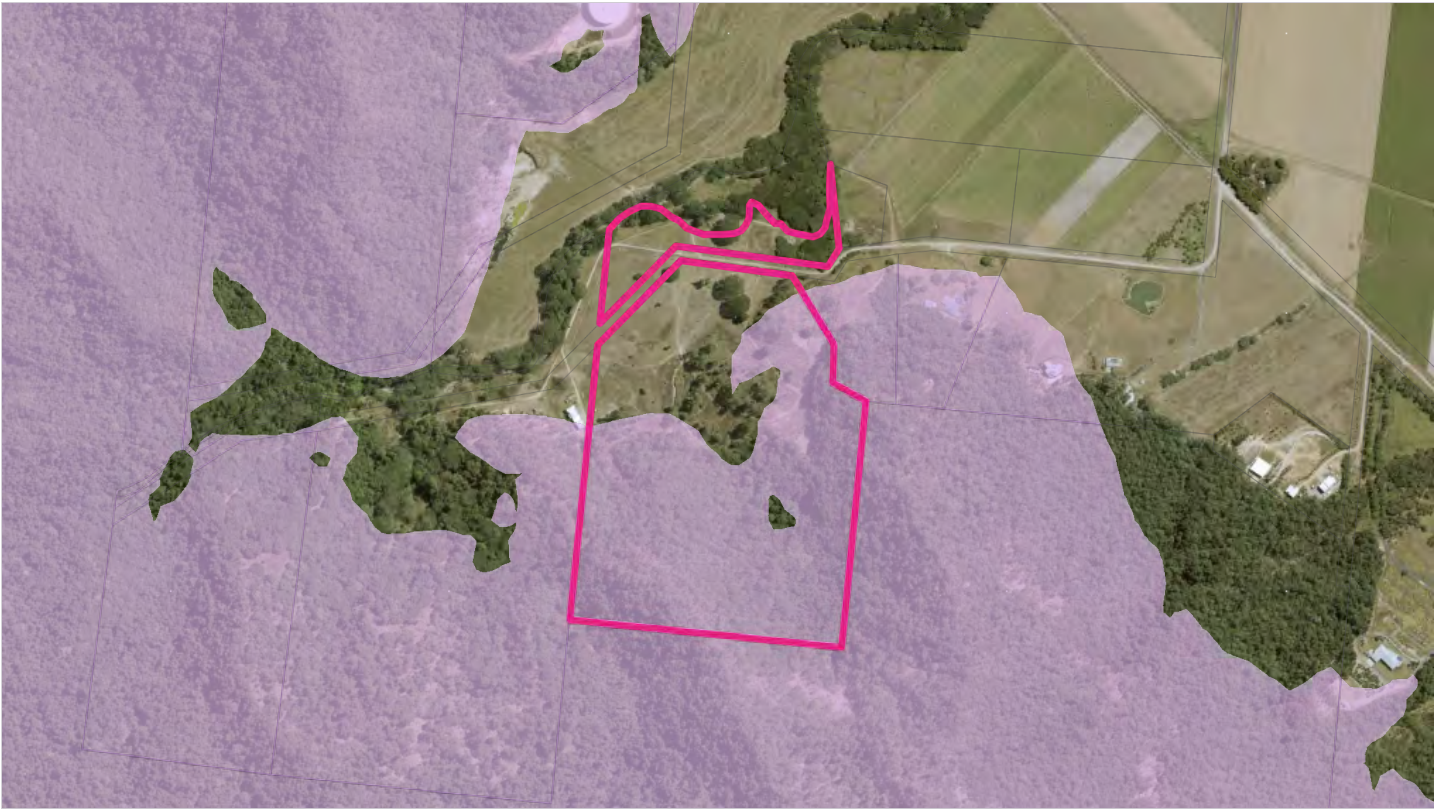
 Floodplain Assessment Overlay



Hillslopes

Applicable Precinct or Area  
Area Affected by Hillslopes

- More Information
- [View Section 8.2.5 Hillslopes Overlay Code](#)
  - [View Section 8.2.5 Hillslopes Overlay Compliance table](#)



☒ Selected Property

☐ Property

☐ Area Affected by Hillslopes



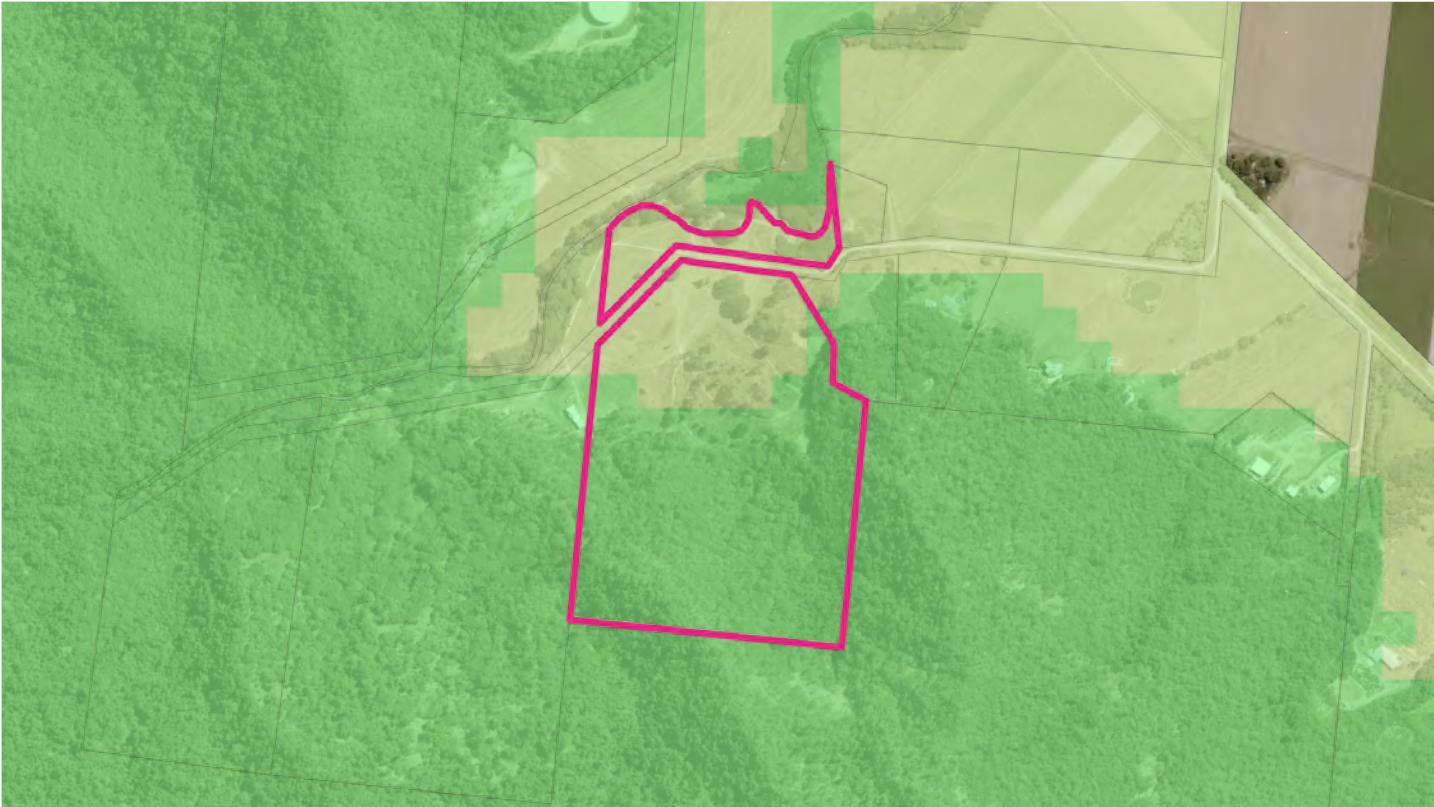
Landscape Values


Landscape Values


High landscape values  
Medium Landscape Value


More Information


- [View Section 8.2.6 Landscape Values Overlay Code](#)
- [View Section 8.2.6 Landscape Values Overlay Compliance table](#)





 Selected Property


 Property


 Gateway


 View corridor


 Lookout


 all others


 Scenic route

 Scenic route buffer

 Coastal scenery

 High landscape values

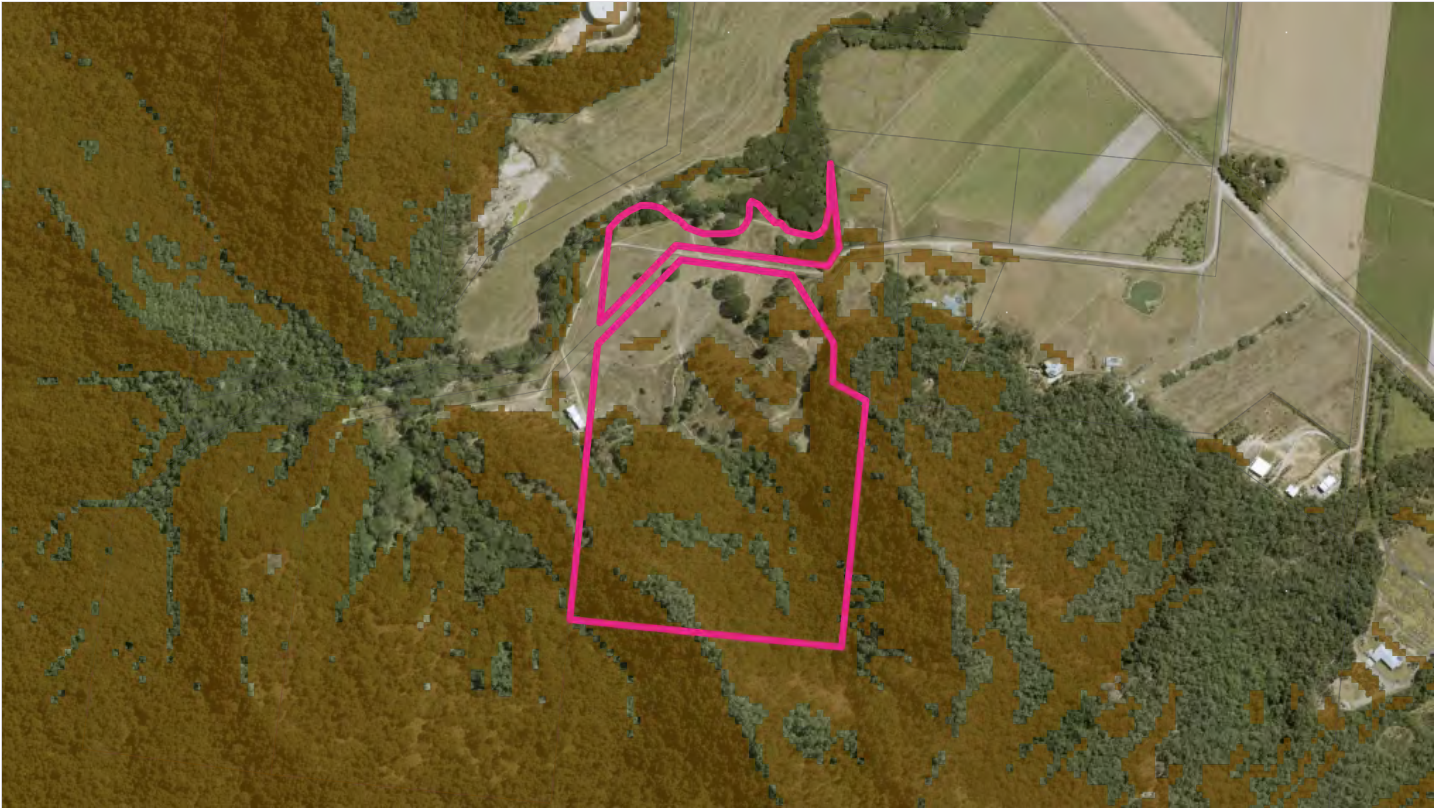
 Medium Landscape Value

 all others

Landslide

**Applicable Precinct or Area**  
Landslide Hazard (High & Medium Hazard Risk)

- More Information**
- [View Section 8.2.9 Potential Landslide Hazard Overlay Code](#)
  - [View Section 8.2.9 Potential Landslide Hazard Overlay Compliance table](#)



☒ Selected Property

☐ Property

☒ Potential Landslide Hazard



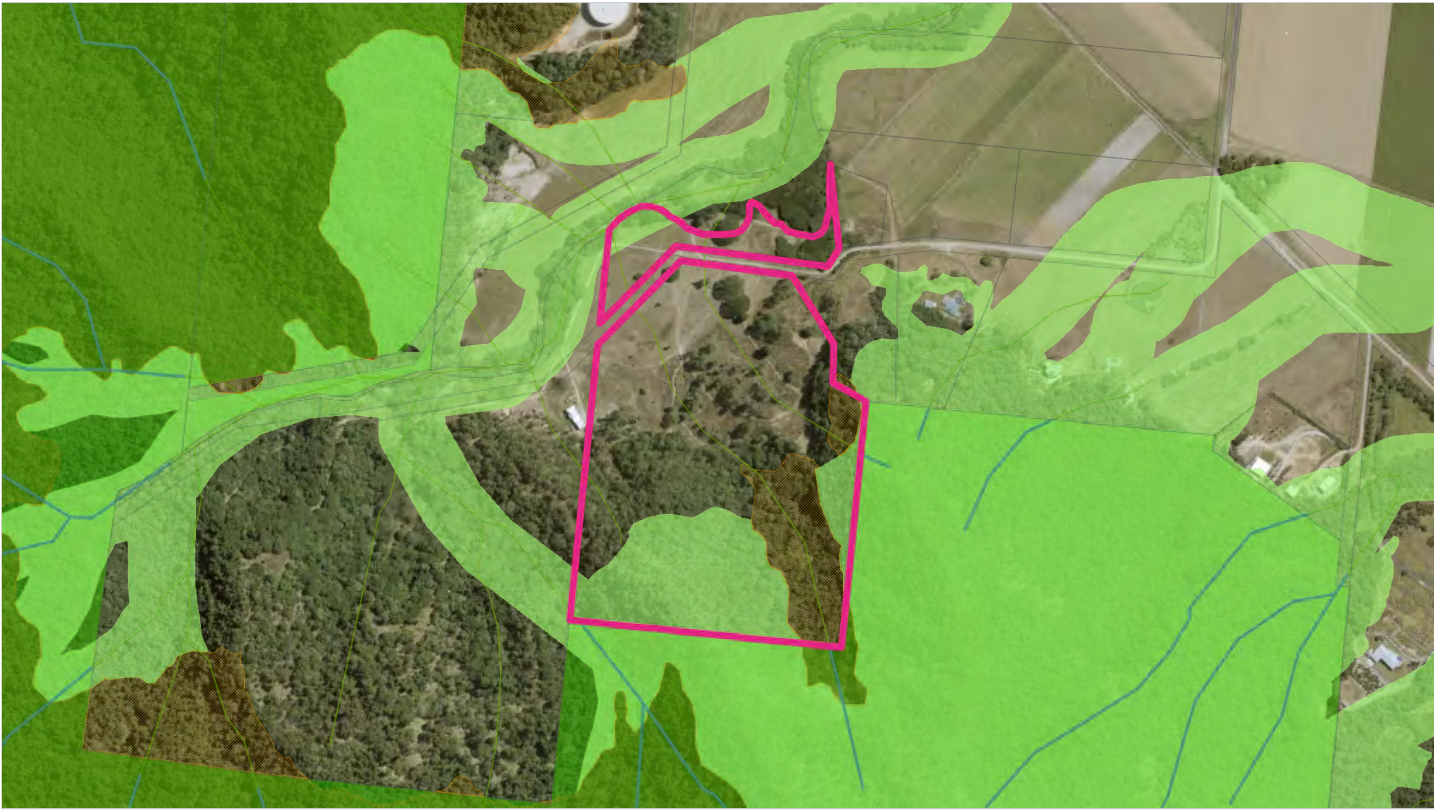
Natural Areas

Applicable Precinct or Area

- MSES - Regulated Vegetation (Intersecting a Watercourse)
- MSES - Wildlife Habitat
- MSES - Regulated Vegetation

More Information

- [View Section 8.2.7 Natural Areas Overlay Code](#)
- [View Section 8.2.7 Natural Areas Overlay Compliance table](#)



☒ Selected Property

☐ Property

MSES - Regulated Vegetation (Intersecting a Watercourse)

MSES - High Ecological Value Waters (Watercourse)

MSES - Wildlife Habitat

MSES - Regulated Vegetation

MSES - Protected Area

MSES - Marine Park

MSES - Legally Secured Offset Area

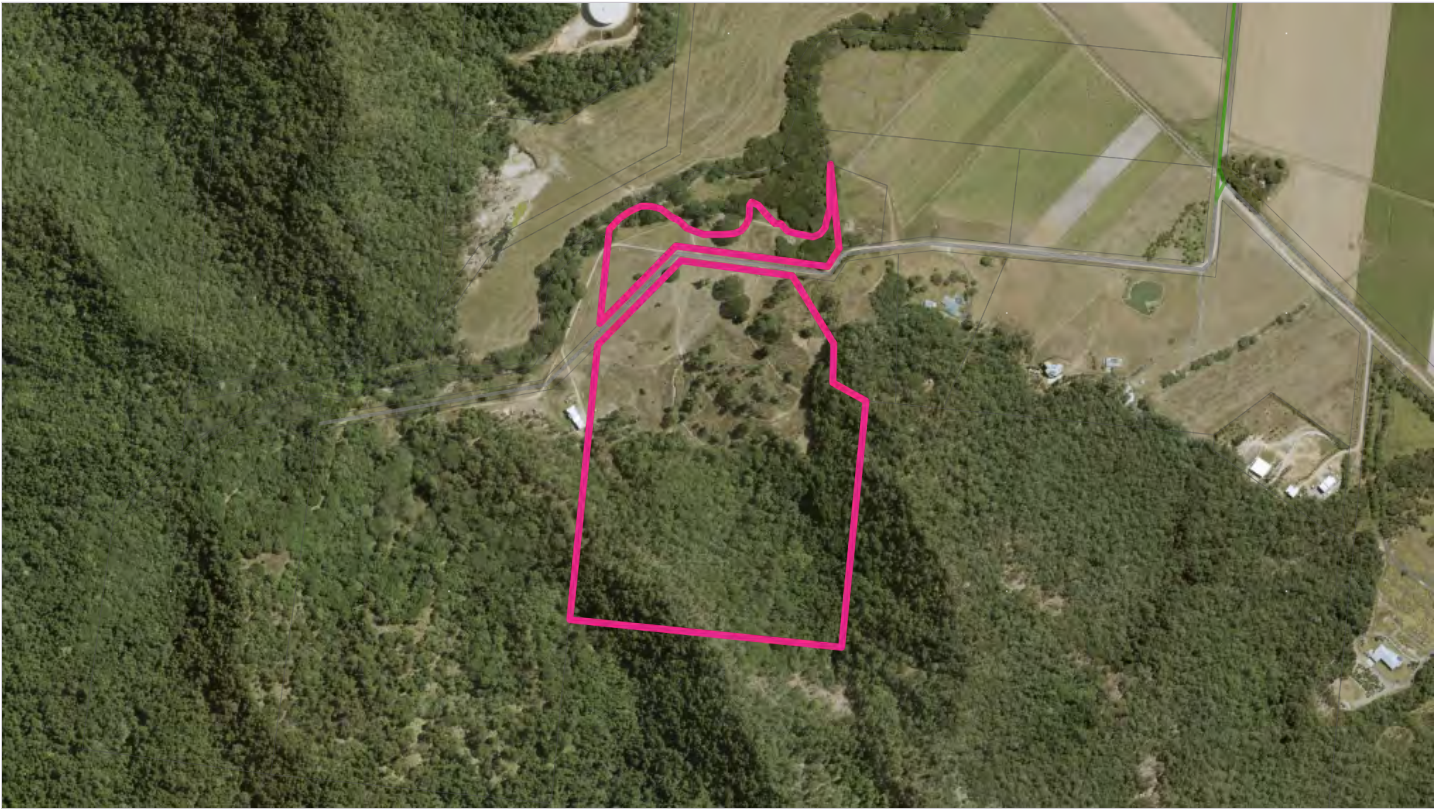
MSES - High Ecological Value Waters (Wetland)

MSES - High Ecological Significance Wetlands

Transport Road Hierarchy

Applicable Precinct or Area  
Unformed Road

- More Information
- [View Section 8.2.10 Transport Network Overlay Code](#)
  - [View Section 8.2.10 Transport Network Overlay Compliance table](#)



☒ Selected Property

☐ Property

**Road Hierarchy**

Access Road	Arterial Road	Collector Road	Industrial Road
Major Rural Road	Minor Rural Road	Sub Arterial Road	Unformed Road
all others			

☐ Major Transport Corridor Buffer Area

Disclaimer

This report is not a substitute for a Planning and Development Certificate and should not be relied upon where the reliance may result in loss, damage or injury. While every effort is taken to ensure the information in this report is accurate and up to date, Douglas Shire Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs that may occur as a result of the report being inaccurate or incomplete in any way or for any reason.



2018 Douglas Shire Council Planning Scheme Property Report

The following report has been automatically generated to provide a general indication of development related information applying to the premise.

For more information and to determine if the mapping layers are applicable, refer to the [2018 Douglas Shire Council Planning Scheme](#). This report is not intended to replace the need for carrying out a detailed assessment of Council and State controls or the need to seek your own professional advice on any town planning instrument, local law or other controls that may impact on the existing or intended use of the premise mentioned in this report. For further information please contact Council by phone: [07 4099 9444](tel:0740999444) or [1800 026 318](tel:1800026318) or email [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au).


Visit Council's website to apply for an [official property search or certificate](#), or contact the [Department of Natural Resources, Mines and Energy](#) to undertake a title search to ascertain how easements may affect a premise.

Property Information

Property Address

Lot Plan


[11N157371](#) (Freehold - 250910m²)



☒ Selected Property








☐ Easements

☐ Property

Douglas Shire Planning Scheme 2018 version 1.0 The table below provides a summary of the Zones and Overlays that apply to the selected property.		
 <b>Zoning</b>	<b>Applicable Zone</b> Rural	<b>More Information</b> <ul style="list-style-type: none"><li><a href="#">View Section 6.2.10 Rural Zone Code</a></li><li><a href="#">View Section 6.2.10 Rural Zone Compliance table</a></li><li><a href="#">View Section 6.2.10 Rural Zone Assessment table</a></li></ul>

## Douglas Shire Planning Scheme 2018 version 1.0

The table below provides a summary of the Zones and Overlays that apply to the selected property.

 <a href="#">Bushfire Hazard</a>	<b>Applicable Precinct or Area</b> Potential Impact Buffer Very High Potential Bushfire Intensity High Potential Bushfire Intensity	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.2 Bushfire Hazard Overlay Code</a></li> <li><a href="#">View Section 8.2.2 Bushfire Hazard Overlay Compliance table</a></li> </ul>
 <a href="#">Flood Storm</a>	<b>Applicable Precinct or Area</b> 100 Year ARI - Mosman and Port Douglas Flood Studies	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.4 Flood and Storm Tide Hazard Overlay Code</a></li> <li><a href="#">View Section 8.2.4 Flood and Storm Tide Hazard Overlay Compliance table</a></li> </ul>
 <a href="#">Hillslopes</a>	<b>Applicable Precinct or Area</b> Area Affected by Hillslopes	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.5 Hillslopes Overlay Code</a></li> <li><a href="#">View Section 8.2.5 Hillslopes Overlay Compliance table</a></li> </ul>
 <a href="#">Landscape Values</a>	<b>Landscape Values</b> High landscape values Medium Landscape Value	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.6 Landscape Values Overlay Code</a></li> <li><a href="#">View Section 8.2.6 Landscape Values Overlay Compliance table</a></li> </ul>
 <a href="#">Landslide</a>	<b>Applicable Precinct or Area</b> Landslide Hazard (High & Medium Hazard Risk)	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.9 Potential Landslide Hazard Overlay Code</a></li> <li><a href="#">View Section 8.2.9 Potential Landslide Hazard Overlay Compliance table</a></li> </ul>
 <a href="#">Natural Areas</a>	<b>Applicable Precinct or Area</b> MSES - Regulated Vegetation (Intersecting a Watercourse) MSES - Wildlife Habitat MSES - Regulated Vegetation	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.7 Natural Areas Overlay Code</a></li> <li><a href="#">View Section 8.2.7 Natural Areas Overlay Compliance table</a></li> </ul>
 <a href="#">Transport Road Hierarchy</a>	<b>Applicable Precinct or Area</b> Unformed Road	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.10 Transport Network Overlay Code</a></li> <li><a href="#">View Section 8.2.10 Transport Network Overlay Compliance table</a></li> </ul>



Zoning

Applicable Zone  
Rural

- More Information
- [View Section 6.2.10 Rural Zone Code](#)
  - [View Section 6.2.10 Rural Zone Compliance table](#)
  - [View Section 6.2.10 Rural Zone Assessment table](#)



☒ Selected Property

☐ Property

- Zoning**
- |  |  |   |   |
|--|--|---|---|
| <input type="checkbox"/> Centre                    | <input type="checkbox"/> Community Facilities    | <input type="checkbox"/> Conservation                   | <input type="checkbox"/> Environmental Management   |
| <input type="checkbox"/> Industry                  | <input type="checkbox"/> Low Density Residential | <input type="checkbox"/> Low-medium Density Residential | <input type="checkbox"/> Medium Density Residential |
| <input type="checkbox"/> Recreation and Open Space | <input type="checkbox"/> Rural                   | <input type="checkbox"/> Rural Residential              | <input type="checkbox"/> Special Purpose            |
| <input type="checkbox"/> Tourism                   | <input type="checkbox"/> Tourist Accommodation   |   |   |

Bushfire Hazard

Applicable Precinct or Area

- Potential Impact Buffer
- Very High Potential Bushfire Intensity
- High Potential Bushfire Intensity

More Information

- [View Section 8.2.2 Bushfire Hazard Overlay Code](#)
- [View Section 8.2.2 Bushfire Hazard Overlay Compliance table](#)



☒ Selected Property

☐ Property

Bushfire\_Hazard

- ☒ High Potential Bushfire Intensity
- ☒ Medium Potential Bushfire Intensity
- ☒ Potential Impact Buffer
- ☒ Very High Potential Bushfire Intensity
- ☐ all others



Flood Storm

**Applicable Precinct or Area**  
100 Year ARI - Mosman and Port Douglas Flood Studies

- More Information**
- [View Section 8.2.4 Flood and Storm Tide Hazard Overlay Code](#)
  - [View Section 8.2.4 Flood and Storm Tide Hazard Overlay Compliance table](#)



☒ Selected Property

☐ Property

Medium Storm Tide Hazard

High Storm Tide Hazard

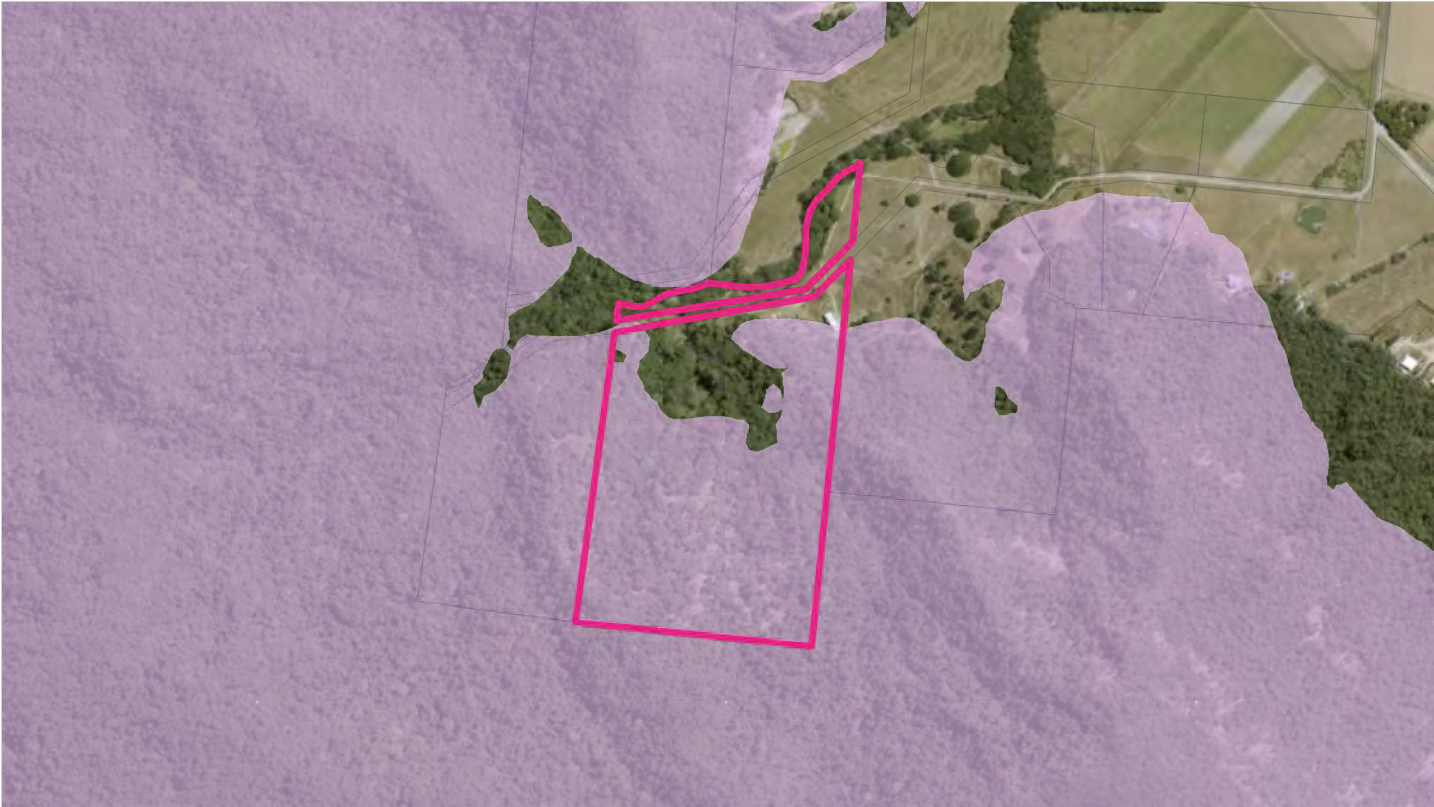
100 Year ARI - Mossman Port Douglas and Daintree Flood Studies

Floodplain Assessment Overlay

Hillslopes

Applicable Precinct or Area  
Area Affected by Hillslopes

- More Information
- [View Section 8.2.5 Hillslopes Overlay Code](#)
  - [View Section 8.2.5 Hillslopes Overlay Compliance table](#)



☒ Selected Property

☐ Property

☒ Area Affected by Hillslopes



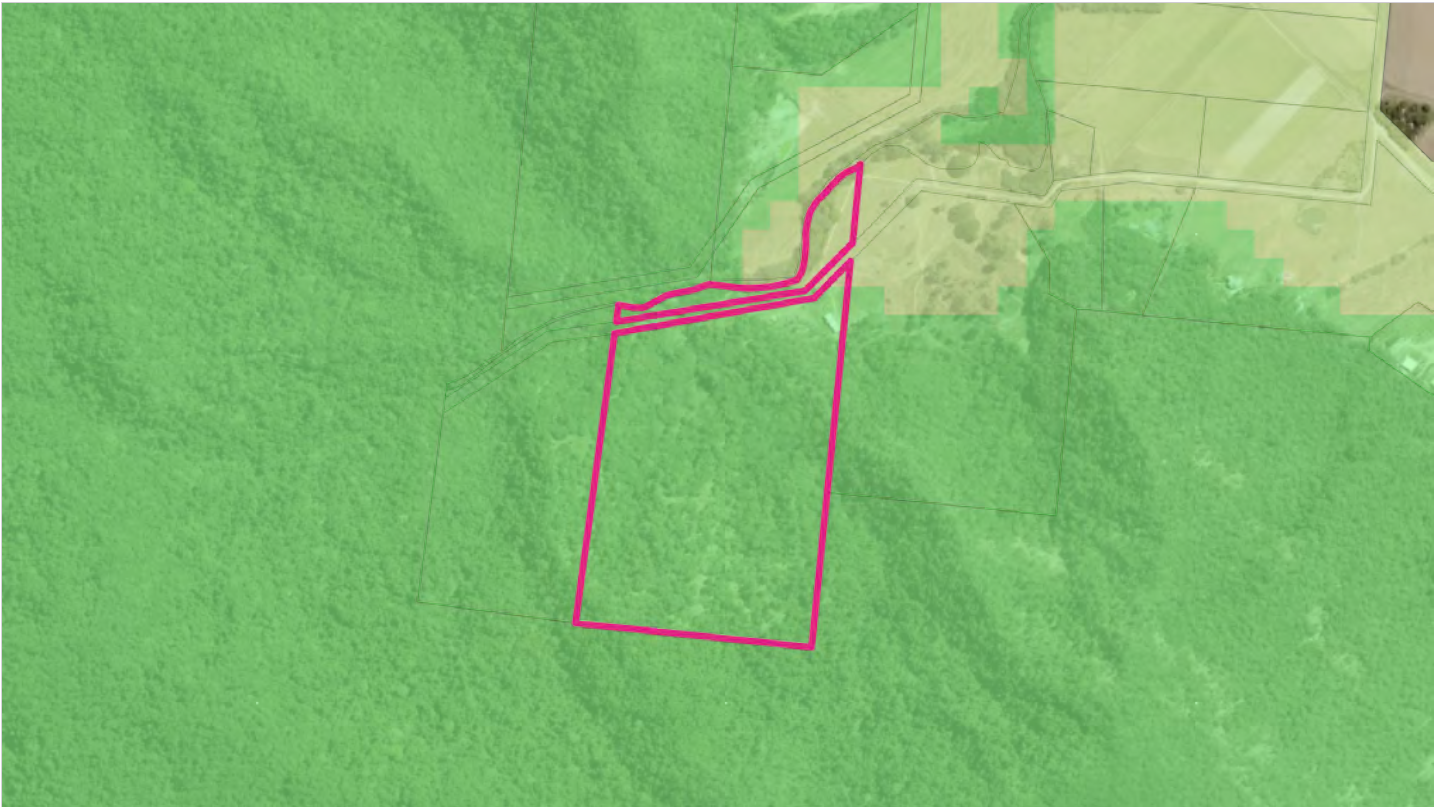
Landscape Values


Landscape Values


High landscape values  
Medium Landscape Value

More Information


- [View Section 8.2.6 Landscape Values Overlay Code](#)
- [View Section 8.2.6 Landscape Values Overlay Compliance table](#)





 Selected Property


 Property


Scenic Buffer Area


 Gateway

 Lookout


 Scenic route


 Scenic route buffer


 View corridor


 all others

Landscape Values

 Coastal scenery

 High landscape values

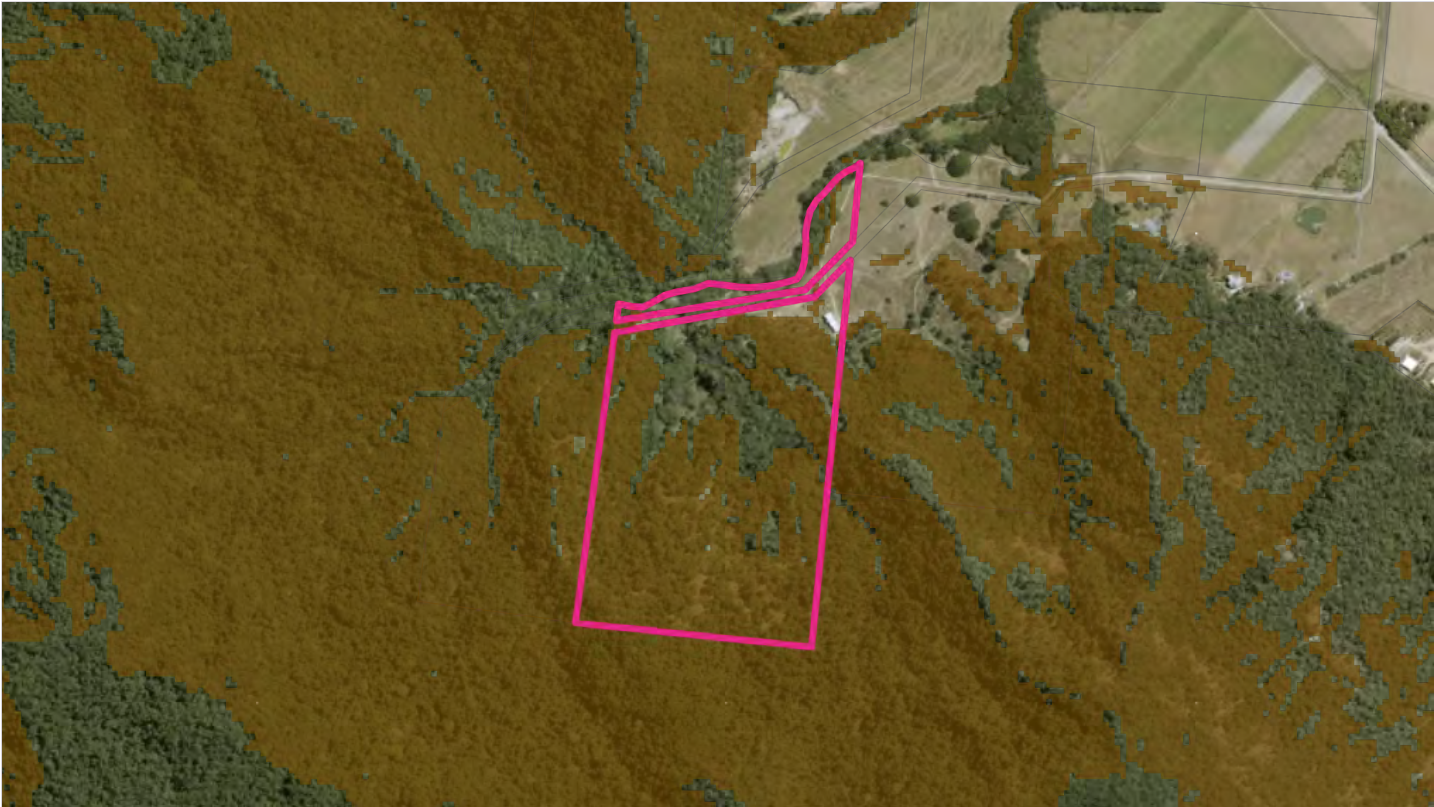
 Medium Landscape Value

 all others

Landslide

**Applicable Precinct or Area**  
Landslide Hazard (High & Medium Hazard Risk)

- More Information**
- [View Section 8.2.9 Potential Landslide Hazard Overlay Code](#)
  - [View Section 8.2.9 Potential Landslide Hazard Overlay Compliance table](#)



☒ Selected Property

☐ Property

☒ Potential Landslide Hazard



Natural Areas

Applicable Precinct or Area

- MSES - Regulated Vegetation (Intersecting a Watercourse)
- MSES - Wildlife Habitat
- MSES - Regulated Vegetation

More Information

- [View Section 8.2.7 Natural Areas Overlay Code](#)
- [View Section 8.2.7 Natural Areas Overlay Compliance table](#)



Selected Property

Property

MSES - Regulated Vegetation (Intersecting a Watercourse)

MSES - High Ecological Value Waters (Watercourse)

MSES - Wildlife Habitat

MSES - Regulated Vegetation

MSES - Protected Area

MSES - Marine Park

MSES - Legally Secured Offset Area

MSES - High Ecological Value Waters (Wetland)

MSES - High Ecological Significance Wetlands



Transport Road Hierarchy

Applicable Precinct or Area  
Unformed Road

- More Information
- [View Section 8.2.10 Transport Network Overlay Code](#)
  - [View Section 8.2.10 Transport Network Overlay Compliance table](#)



☒ Selected Property

☐ Property

Road Hierarchy

- |   |  |   |   |
|---|--|---|---|
|  Access Road      |  Arterial Road    |  Collector Road    |  Industrial Road |
|  Major Rural Road |  Minor Rural Road |  Sub Arterial Road |  Unformed Road   |
|  all others       |  |   |   |

☐ Major Transport Corridor Buffer Area

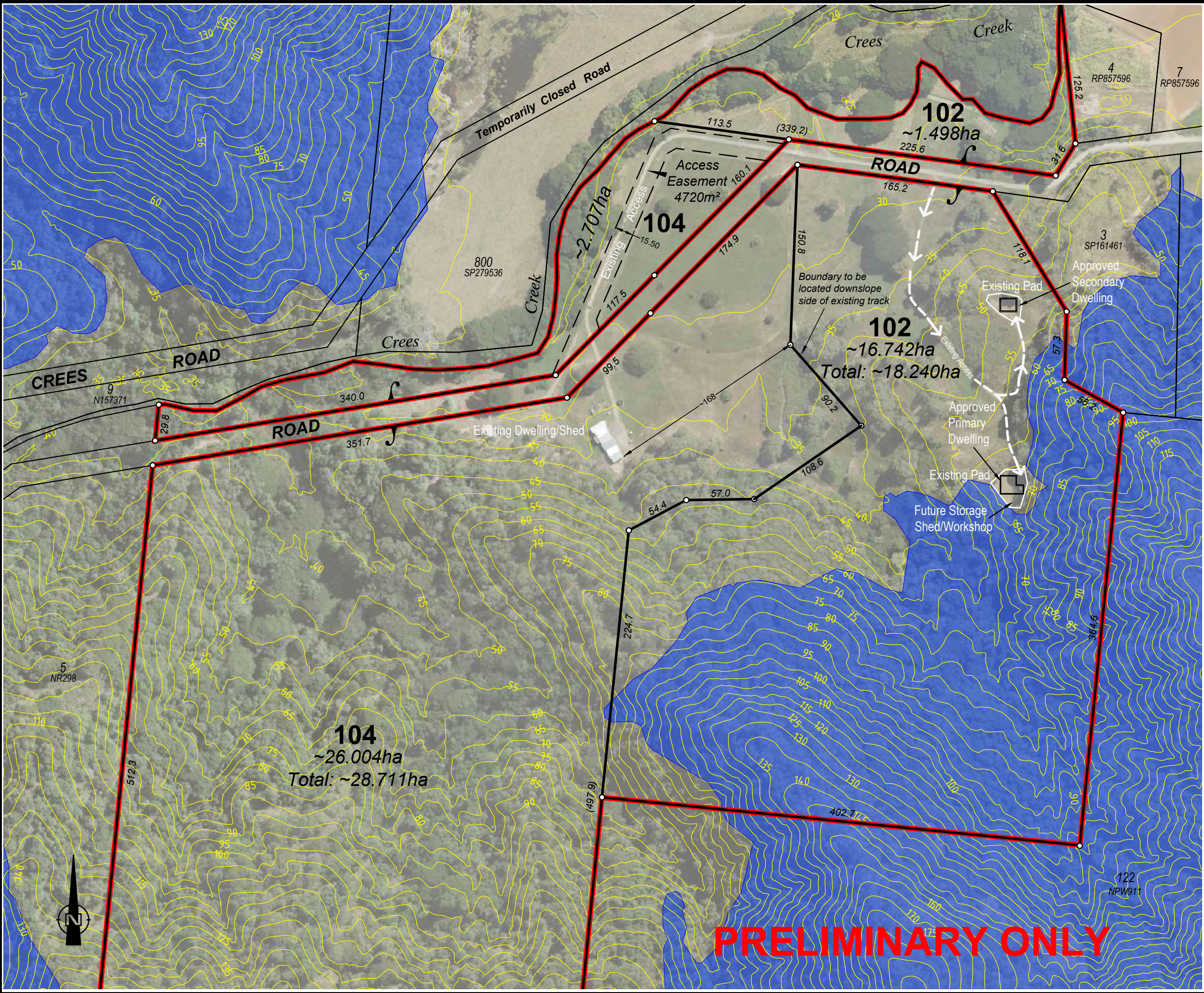
Disclaimer

This report is not a substitute for a Planning and Development Certificate and should not be relied upon where the reliance may result in loss, damage or injury. While every effort is taken to ensure the information in this report is accurate and up to date, Douglas Shire Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs that may occur as a result of the report being inaccurate or incomplete in any way or for any reason.

## Appendix D

### RPS Drawing AU015146-1





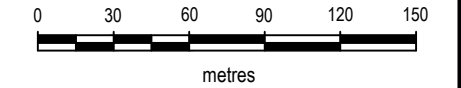
**IMPORTANT NOTE**  
This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified.  
All lots, areas and dimensions are approximate only, Subject to relevant studies, Survey, Engineering and Government approvals.  
No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.

**AERIAL IMAGERY.**  
Port Douglas\_2020\_10cm\_SISP\_Urban  
Date of Capture: 16/7/2020  
The aerial photography used in this plan has not been rectified.  
The image has been overlaid as a best fit on the boundaries shown and position is approximate only.  
© State of Queensland 2021

**NOTES**  
Level Datum: AHD Vide DNRM DEM  
Contour Interval: 5.0m  
Meridian: GDA2020 MGA Z55

**LEGEND**

- Subject Site Boundaries
- Regulated Vegetation Mapping Category B Remnant veg
- 5.0m Contours  
Contours derived from DNRM 1m DEM and are approximate only. AHD datum.



SCALE 1:3,000 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)

PROJECT MANAGER O Caddick-King		SURVEYED	
COMPILED RMS		CAD REF AU015146-1.dwg	
SHEET SIZE <b>A3</b>	SHEET OF SHEETS 1		

RPS Australia East Pty Ltd  
ACN 140 292 762  
135 Abbott St  
PO Box 1949  
CAIRNS QLD 4870  
T +61 7 4031 1336  
F +61 7 4031 2942  
W rpsgroup.com



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**Hagen Nominees Pty Ltd**

**Proposal Plan**  
**Reconfiguration of a Lot**  
**Lot 5 SP161461 & Lot 11 N157371**  
**Crees Creek**  
**Craiglie**

SCALE <b>1:3,000</b>	DATE 23-04-2024	DRAWING NO. <b>AU015146-1</b>	ISSUE
-------------------------	--------------------	----------------------------------	-------

**PRELIMINARY ONLY**



## Appendix E

# Planning Scheme Code Assessments

## 6.2.10 Rural zone code

### 6.2.10.1 Application

- (1) This code applies to assessing development in the Rural zone.
- (2) When using this code, reference should be made to Part 5.

### 6.2.10.2 Purpose

- (1) The purpose of the Rural zone code is to provide for:
  - (a) provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;
  - (b) provide opportunities for non-rural uses, such as ancillary tourism activities that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes;
  - (c) protect or manage significant natural resources and processes to maintain the capacity for primary production.
- (2) The local government purpose of the code is to:
  - (a) implement the policy direction set in the Strategic Framework, in particular:
    - (i) Theme 2 : Environment and landscape values, Element 3.5.5 – Scenic amenity.
    - (ii) Theme 3 : Natural resource management, Element 3.6.2 – Land and catchment management, Element 3.6.3 Primary production, forestry and fisheries, Element 3.6.4 – Resource extraction.
    - (iii) Theme 5 Economy, Element 3.8.2 – Economic growth and diversification, Element 3.8.4 – Primary production.
    - (iv) Theme 6: Infrastructure and transport, Element 3.9.4 – Transport.
  - (b) recognise the primacy of rural production, in particular sugar cultivation, and other farming practices in rural areas;
  - (c) provide protection to areas of ecological significance and scenic amenity significance where present.
- (3) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Areas for use for primary production are conserved and fragmentation is avoided.
  - (b) Development embraces sustainable land management practices and contributes to the amenity and landscape of the area.
  - (c) Adverse impacts of land use, both on-site and on adjoining areas, are avoided and any unavoidable impacts are minimised through location, design, operation and management.
  - (d) Areas of remnant and riparian vegetation are retained or rehabilitated.

### 6.2.10.3 Criteria for assessment

Table 6.2.10.3.a – Rural zone code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<b>PO1</b> The height of buildings is compatible with the rural character of the area and must not detrimentally impact on visual landscape amenity.	<b>AO1.1</b> Dwelling houses are not more than 8.5 metres in height. Note – Height is inclusive of roof height.	<b>Not Applicable</b> The application is for Reconfiguring a Lot only.
	<b>AO1.2</b> Rural farm sheds and other rural structures are not more than 10 metres in height.	<b>Not Applicable</b> The application is for Reconfiguring a Lot only.
<b>Setbacks</b>		
<b>PO2</b> Buildings and structures are setback to maintain the rural character of the area and achieve separation from buildings on adjoining properties.	<b>AO2</b> Buildings are setback not less than: <ul style="list-style-type: none"> <li>(a) 40 metres from the property boundary and a State-controlled road;</li> <li>(b) 25 metres from the property boundary adjoining Cape Tribulation Road;</li> <li>(c) 20 metres from the boundary with any other road;</li> <li>(d) 6 metres from side and rear property boundaries.</li> </ul>	<b>Complies with AO2</b> The proposed realigned boundary would provide compliant setbacks to existing buildings.
<b>PO3</b>	<b>AO3</b>	<b>Not Applicable</b>



Performance outcomes	Acceptable outcomes	Applicant response
Buildings/structures are designed to maintain the rural character of the area.	White and shining metallic finishes are avoided on external surfaces of buildings.	The application is for Reconfiguring a Lot only.
<b>For assessable development</b>		
<b>PO4</b> The establishment of uses is consistent with the outcomes sought for the Rural zone and protects the zone from the intrusion of inconsistent uses.	<b>AO4</b> Uses identified in Table 6.2.10.3.b are not established in the Rural zone.	<b>Not Applicable</b> The application is for Reconfiguring a Lot only.
<b>PO5</b> Uses and other development include those that: <ul style="list-style-type: none"> <li>(a) promote rural activities such as agriculture, rural enterprises and small scale industries that serve rural activities; or</li> <li>(b) promote low impact tourist activities based on the appreciation of the rural character, landscape and rural activities; or</li> <li>(c) are compatible with rural activities.</li> </ul>	<b>AO5</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The application is for Reconfiguring a Lot only.
<b>PO6</b> Existing native vegetation along watercourses and in, or adjacent to areas of environmental value, or areas of remnant vegetation of value is protected.	<b>AO6</b> No acceptable outcomes are prescribed.	<b>Complies with PO6</b> Proposed development will not disturb existing native vegetation along watercourses and in, or adjacent to areas of environmental value, or areas of remnant vegetation.
<b>PO7</b> The minimum lot size is 40 hectares, unless	<b>AO7</b> No acceptable outcomes are prescribed.	<b>Complies with PO7</b>

Performance outcomes	Acceptable outcomes	Applicant response
(a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments to resolve encroachments); or (b) the reconfiguration is limited to one additional lot to accommodate: <ul style="list-style-type: none"> <li>(i). Telecommunications facility;</li> <li>(ii). Utility installation.</li> </ul>		Refer to assessment provided in Section 5.3 of Planning Report.

**Table 6.2.8.3.b - Inconsistent uses within the Medium density residential zone**

Inconsistent uses		
<ul style="list-style-type: none"> <li>• Adult store</li> <li>• Bar</li> <li>• Brothel</li> <li>• Car wash</li> <li>• Child care centre</li> <li>• Club</li> <li>• Community care centre</li> <li>• Community residence</li> <li>• Detention facility,</li> <li>• Dual occupancy</li> <li>• Dwelling unit</li> <li>• Food and drink outlet</li> <li>• Hardware and tradesupplies</li> </ul>	<ul style="list-style-type: none"> <li>• Hotel</li> <li>• Indoor sport and recreation</li> <li>• Low impact industry</li> <li>• Medium impact industry</li> <li>• Multiple dwelling</li> <li>• Nightclub entertainment facility</li> <li>• Non-resident workforce accommodation</li> <li>• Office</li> <li>• Outdoor sales</li> <li>• Parking station</li> <li>• Permanent plantation</li> <li>• Port services</li> </ul>	<ul style="list-style-type: none"> <li>• Residential care facility</li> <li>• Resort complex</li> <li>• Retirement facility</li> <li>• Rooming accommodation</li> <li>• Sales office</li> <li>• Service station</li> <li>• Shop</li> <li>• Shopping centre</li> <li>• Short-term accommodation</li> <li>• Showroom</li> <li>• Special industry</li> <li>• Theatre</li> <li>• Warehouse</li> </ul>

<ul style="list-style-type: none"> <li>• Health care services</li> <li>• High impact industry</li> </ul>	<ul style="list-style-type: none"> <li>• Relocatable home park</li> <li>• Renewable energy facility, being a wind farm</li> </ul>	
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Note –This table does not imply that all other uses not listed in the table are automatically consistent uses within the zone. Assessable development must still demonstrate consistency through the assessment process.

## 9.4.7 Reconfiguring a lot code

### 9.4.7.1 Application

- (1) This code applies to assessing reconfiguring a lot if:
  - (a) assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment;
  - (b) impact assessable development, to the extent relevant.
- (2) When using this code, reference should be made to Part 5.

### 9.4.7.2 Purpose

- (1) The purpose of the Reconfiguring a lot code is to regulate development for reconfiguring a lot.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) development results in a well-designed pattern of streets supporting walkable communities;
  - (b) lots have sufficient areas, dimensions and shapes to be suitable for their intended use taking into account environmental features and site constraints;
  - (c) road networks provide connectivity that is integrated with adjoining existing or planned development while also catering for the safe and efficient access for pedestrians, cyclists and for public transport;
  - (d) lots are arranged to front all streets and parkland such that development enhances personal safety, traffic safety, property safety and security; and contributes to streetscape and open space quality;
  - (e) development does not diminish environmental and scenic values, and where relevant, maintains and enhances public access and use of natural areas, rivers, dams, creeks and the foreshore, in a way that protects natural resources;
  - (f) people and property are not placed at risk from natural hazards;
  - (g) a range of functional parkland, including local and district parks, major areas of parkland with a region-wide focus and open space links are available for the use and enjoyment of residents and visitors to the region;
  - (h) the appropriate standard of infrastructure is provided.

### 9.4.7.3 Criteria for assessment

**Table 9.4.7.3.a – Reconfiguring a lot code – assessable development**

Performance outcomes	Acceptable outcomes	Applicant response
General lot design standards		

Performance outcomes	Acceptable outcomes	Applicant response
<b>PO1</b> Lots comply with the lot reconfiguration outcomes of the applicable Zone code in Part 5.	<b>AO1</b> No acceptable outcomes are prescribed.	<b>Complies with PO1</b> Refer to Section 5.3 of the Planning Report for detail.
<b>PO2</b> New lots are generally rectangular in shape with functional areas for land uses intended by the zone.	<b>AO2</b> Boundary angles are not less than 45 degrees.	<b>Complies with PO2</b> Refer to Section 5.3 of the Planning Report for detail.
<b>PO3</b> Lots have legal and practical access to a public road.	<b>AO3</b> Each lot is provided with: (a) direct access to a gazetted road reserve; or (b) access to a gazetted road via a formal access arrangement registered on the title.	<b>Complies with AO3</b> Each lot has access via the existing constructed road or via the Proposed Access Emt.
<b>PO4</b> Development responds appropriately to its local context, natural systems and site features.	<b>AO4</b> Existing site features such as: (a) significant vegetation and trees; (b) waterways and drainage paths; (c) vistas and vantage points are retained and/or are incorporated into open space, road reserves, near to lot boundaries or as common property.	<b>Complies with AO4</b> The application is for Boundary Realignment only, no change to the existing overall built form of the site or vegetation is proposed.
<b>PO5</b> New lots which have the capability of being further reconfigured into smaller lots at a later date are designed to not compromise ultimate development outcomes permitted in the relevant zone.	<b>AO5</b> The ability to further reconfigure land at a later date is demonstrated by submitting a concept plan that meets the planning scheme requirements for the applicable Zone.	<b>Not Applicable</b> The proposed lots would not be capable of further reconfiguration.



Performance outcomes	Acceptable outcomes	Applicant response
<b>PO6</b> Where existing buildings or structures are to be retained, development results in: (a) boundaries that offer regular lot shapes and usable spaces; (b) existing improvements complying with current building and amenity standards in relation to boundary setbacks.  Note - This may require buildings or structures to be modified, relocated or demolished to meet setback standards, resolve encroachments and the like.	<b>AO6</b> Development ensures setbacks between existing buildings or structures and proposed boundaries satisfy relevant building standards or zone code requirements, whichever is the greater.	<b>Complies with AO6</b> The realigned boundary creates setbacks that comply with the relevant standards.
<b>PO7</b> Where rear lots are proposed, development: (a) provides a high standard of amenity for residents and other users of the site and adjoining properties; (b) positively contributes to the character of adjoining properties and the area; (c) does not adversely affect the safety and efficiency of the road from which access is gained.	<b>AO7.1</b> Where rear lots are to be established: (a) the rear lot is generally rectangular in shape, avoiding contrived sharp boundary angles; (b) no more than 6 lots directly adjoin the rear lot; (c) no more than one rear lot occurs behind the road frontage lot; (d) no more than two access strips to rear lots directly adjoin each other; (e) access strips are located only on one side of the road frontage lot.	<b>Not Applicable</b> No rear lots are proposed.
	<b>AO7.2</b> Access strips to the rear lot have a minimum width dimension of: (a) 4.0 metres in Residential Zones.	<b>Not Applicable</b> No rear lots are proposed.




Performance outcomes	Acceptable outcomes	Applicant response
	(b) 8.0 metres in Industrial Zones category. (c) 5.0 metres in all other Zones. Note - Rear lots are generally not appropriate in non-Residential or non-Rural zones.	
	<b>AO7.3</b> Access strips are provided with a sealed pavement of sufficient width to cater for the intended traffic, but no less than: (a) 3.0 metres in Residential Zone. (b) 6.0 metres in an Industrial Zone. (c) 3.5 metres in any other Zone.	<b>Not Applicable</b> No rear lots are proposed.
<b>Structure plans</b> Additional requirements for: (a) a site which is more than 5,000m <sup>2</sup> in any of the Residential zones; or within these zones, and (b) creates 10 or more lots; or (c) involves the creation of new roads and/or public use land. or (d) For a material change of use involving: (i) preliminary approval to vary the effect of the planning scheme; (ii) establishing alternative Zones to the planning scheme. Note - This part is to be read in conjunction with the other parts of the code		
<b>PO8</b> A structure plan is prepared to ensure that neighbourhood design, block and lot layout, street network and the location and provision of any	<b>AO8.1</b> Neighbourhood design, lot and street layout, and open space provides for, and integrates with, any:	<b>Not Applicable</b> The site is not within a residential zone.

Performance outcomes	Acceptable outcomes	Applicant response
open space recognises previous planning for the area and its surroundings, and integrates appropriately into its surroundings.	(a) approved structure plan; (b) the surrounding pattern of existing or approved subdivision.  Note - Planning scheme policy SC14– Structure planning provides guidance on meeting the performance outcomes.	
	<b>AO8.2</b> Neighbourhood design, lot and street layouts enable future connection and integration with adjoining undeveloped land.	<b>Not Applicable</b> The site is not within a residential zone.
<b>PO9</b> Neighbourhood design results in a connected network of walkable streets providing an easy choice of routes within and surrounding the neighbourhood.	<b>AO9.1</b> Development does not establish cul-de-sac streets unless: (a) cul-de-sacs are a feature of the existing pattern of development in the area; (b) there is a physical feature or incompatible zone change that dictates the need to use a cul-de-sac streets.	<b>Not Applicable</b> The site is not within a residential zone.
	<b>AO9.2</b> Where a cul-de-sac street is used, it: (a) is designed to be no longer than 150 metres in length; (b) is designed so that the end of the cul-de-sac is visible from its entrance; (c) provides connections from the top of the cul-de-sac to other streets for pedestrians and cyclists, where appropriate.	<b>Not Applicable</b> The site is not within a residential zone.

Performance outcomes	Acceptable outcomes	Applicant response
	<b>AO9.3</b> No more than 6 lots have access to the turning circle or turning-tee at the end of a cul-de-sac street.	<b>Not Applicable</b> The site is not within a residential zone.
<b>PO10</b> Neighbourhood design supports diverse housing choices through block sizes and lot design. In developing areas, significant changes in lot size and frontage occur at the rear of lots rather than on opposite sides of a street.	<b>PO10</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The site is not within a residential zone.
<b>PO11</b> Provision of physical and social infrastructure in developing residential neighbourhoods is facilitated through the orderly and sequential development of land.  Note - Part 4 – Local government infrastructure plan may identify specific levels of infrastructure to be provided within development sites.	<b>AO11.1</b> New development adjoins adjacent existing or approved urban development.	<b>Not Applicable</b> The site is not within a residential zone.
	<b>AO11.2</b> New development is not established beyond the identified Local government infrastructure plan area.	<b>Not Applicable</b> The site is not within a residential zone.
<b>Urban parkland and environmental open space</b>		
<b>PO12</b> Where appropriate development maintains and enhances public access and use of natural areas, rivers, dams, creeks and the foreshore.	<b>AO12</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The site is not within a residential zone.
<b>PO13</b> Development provides land to: (a) meet the recreation needs of the	<b>AO13</b> No acceptable outcomes are prescribed.  Note - Part 4 – Priority infrastructure plan and Planning scheme policy SC14 – Structure Plans provides guidance in providing	<b>Not Applicable</b> The site is not within a residential zone.



Performance outcomes	Acceptable outcomes	Applicant response
community; (b) provide an amenity commensurate with the structure of neighbourhoods and land uses in the vicinity; and adjacent to open space areas; (c) provide for green corridors and linkages.	open space and recreation land.	
<b>AO14</b> Lot size, dimensions, frontage and orientation permits buildings to be established that will facilitate casual surveillance to urban parkland and environmental open space.	<b>AO14.1</b> Urban parkland is regular in shape.	<b>Not Applicable</b> The site is not within a residential zone.
	<b>AO14.2</b> At least 75% of the urban parkland's frontage is provided as road.	<b>Not Applicable</b> The site is not within a residential zone.
	<b>AO14.3</b> Urban parkland and environmental open space areas are positioned to be capable of being overlooked by surrounding development.	<b>Not Applicable</b> The site is not within a residential zone.
	<b>AO14.4</b> Surrounding lots are orientated so that facades will front and overlook the urban parkland and environmental open space.	<b>Not Applicable</b> The site is not within a residential zone.
	<b>AO14.5</b> The number of lots that back onto, or are side-orientated to the urban parkland and environmental open space is minimised.	<b>Not Applicable</b> The site is not within a residential zone.

Performance outcomes	Acceptable outcomes	Applicant response
	 <p>Inconsistent design solution - low total number of lots complying with the acceptable outcomes.</p>  <p> Lots orientated to front and overlook park to provide casual surveillance.</p> <p>Consistent design solution - high total number of lots complying with the acceptable outcomes.</p>	
<b>Private subdivisions (gated communities)</b>		
<b>PO15</b> Private subdivisions (gated communities) do not compromise the establishment of connected and integrated infrastructure and open space networks.	<b>PO15</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The site is not within a residential zone.

Performance outcomes	Acceptable outcomes	Applicant response
<b>Additional requirements for reconfiguration involving the creation of public streets or roads</b>		
<b>PO16</b> The function of new roads is clearly identified and legible and provides integration, safety and convenience for all users.	<b>AO16</b> No acceptable outcomes are prescribed.  Note - The design and construction standards are set out in Planning scheme policy SC5 – FNQROC Regional Development Manual, with reference to the specifications setout in Sections D1 and D3.	<b>Not Applicable</b> The site is not within a residential zone.
<b>PO17</b> Street design supports an urban form that creates walkable neighbourhoods. Street design: (a) is appropriate to the function(s) of the street; (b) meets the needs of users and gives priority to the needs of vulnerable users.	<b>AO17</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The site is not within a residential zone.
<b>Public transport network</b>		
<b>PO18</b> Development provides a street pattern that caters for the extension of public transport routes and infrastructure including safe pedestrian pick-up and set-down up facilities.	<b>AO18</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The site is not within a residential zone.
<b>Pest plants</b>		
<b>PO19</b> Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not	<b>AO19</b> Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person	<b>Not Applicable</b> The site is not within a residential zone.

Performance outcomes	Acceptable outcomes	Applicant response
<p>reinfest the site or nearby sites.</p> <p>Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the Land Protection (Pest and Stock Route Management) Act 2002.</p>	<p>prior to earthworks commencing.</p> <p>Note - A declaration from an appropriately qualified person validates the land being free from pest plants.</p> <p>Declared pest plants include locally declared and State declared pest plants.</p>	